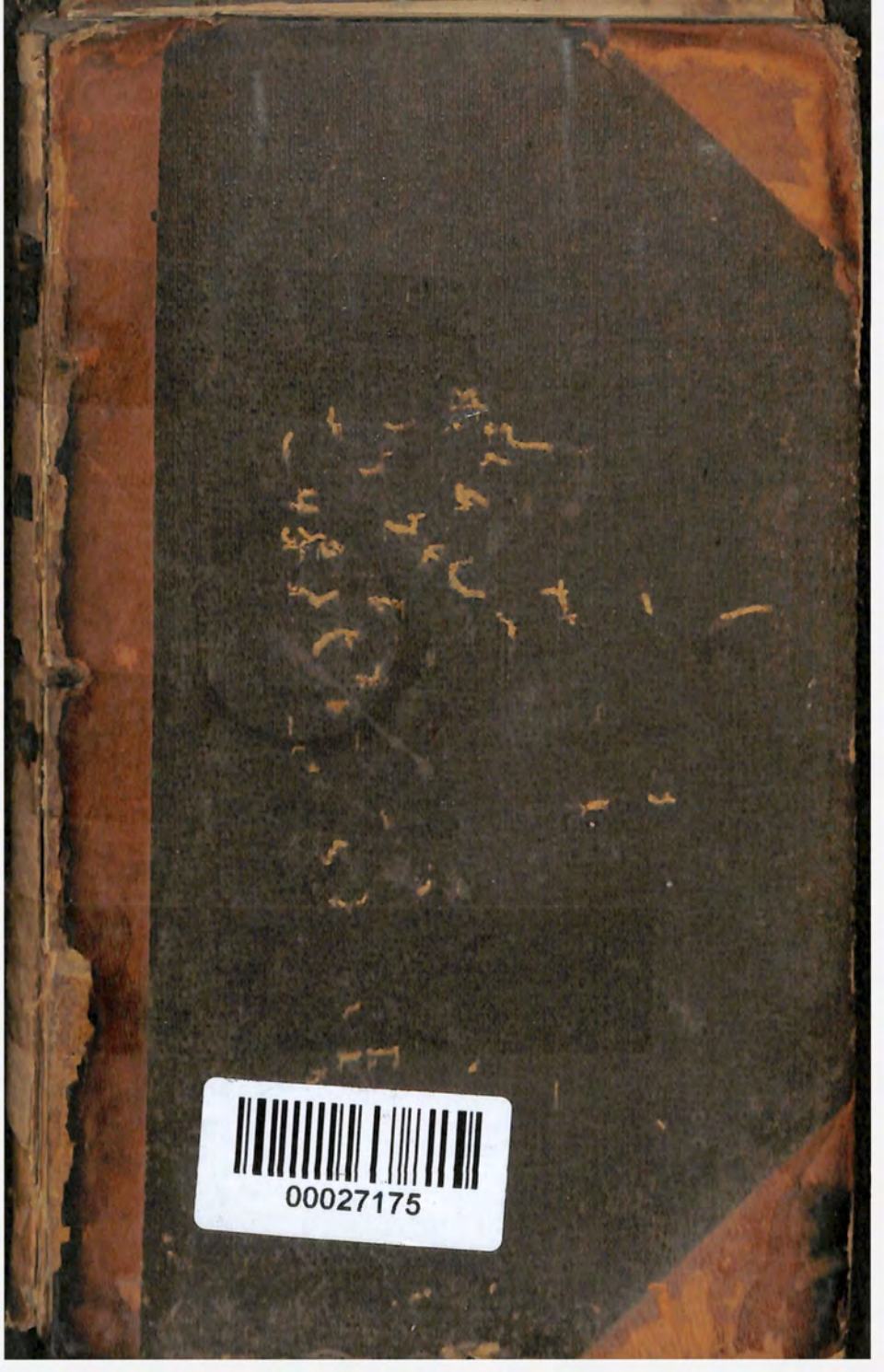
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THE

SPEECH

OF

JOHN GEORGE LAMBTON, ESQ.

IN

THE HOUSE OF COMMONS,

ON TUESDAY, APRIL 17, 1821,

ON MOVING FOR

A COMMITTEE TO CONSIDER THE STATE

OF

THE REPRESENTATION:

WITH

A BILL

FOR

A REFORM OF PARLIAMENT.

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MR. SPEAKER,

In pursuance of the notice which I gave, I rise to bring under the consideration of The House, the state of the Representation of the People in Parliament.

If at all times, and upon all subjects, I must be most unwilling to trespass on the attention of this House, on no occasion can I be more reluctant than on the present; and I can assure you, that nothing but a deep sense of public duty, and an anxious desire to put an end to that spirit of discontent, now so generally prevailing, could have induced me to take up a question, the great and important interests of which I feel that I am not competent adequately to protect. In the first place, I know that I have to contend against that disinclination which has invariably been shewn by this House towards its discussion; a disinclination founded possibly on that dislike which is inherent

in all men, and bodies of men, to hear accusations against themselves, and statements of faults and corruptions openly laid to their charge. If I wanted any evidence in support of this assertion, this well known truth, I should undoubtedly find it in the present state of the benches opposite to me. Perhaps indeed I should be justified in taking advantage of it, and at once submitting my Motion to the vote; as the result of that division clearly would be its adoption: for it requires no great discernment to perceive that at this moment the majority is greatly on the side of the Friends to Reform.

But, Sir, I shall not be tempted into this irregularity, as it would prevent that ample discussion, that calm and deliberate consideration, to which this important subject is justly entitled, and without which it would be a mere mockery to propose it. If this scantiness of attendance is meant as an insult to myself, I treat it with contempt; if it is pointed at the Question, I then repel it with feelings of deep indignation, and can only hope that it will not be lost on the people of England, who will not, cannot be insensible to the manner in which a subject, so interesting to them, has been treated by His Majesty's Ministers. Indeed of all the

Placemen who usually crowd the opposite benches, at this moment I only perceive those Right Honourable Twins, so lovingly united in affection, in principle, and in the representation of the oyster-dredgers of Harwich.*

In addition to this studied neglect, I have also to lament the disadvantage of following those eminent and illustrious characters, who have at different times advocated this question, and who by their virtues and their abilities have conferred as much lustre on the cause, as they received from the sacred and patriotic nature of the trust confided to them. I know, likewise, that I shall have to contend against the weight of the overwhelming eloquence of a Right Honourable Gentleman opposite,† who has ever placed himself first and foremost in the ranks of those who oppose any alteration in the state of the Representation, and whose hostility is never directed with more zeal, energy, or ability, than against that extended principle of amelioration, which it is my duty this night to press on the consideration of this House. Under these great and manifold disadvantages, therefore,

* The Chancellor of the Exchequer and Mr. Bragge Bathurst, who were then seated side by side, and were the only Members on the Treasury Bench.

† Mr. Canning.

and a deep sense of my own inadequacy to overcome them, I can only hope that the House will extend to me that indulgence, which at no time was more necessary, and that they will believe me when I assert, that my motives for undertaking this arduous office are founded solely on an ardent desire to serve my country, and to conciliate large classes of the community, loudly, but steadily complaining of their deprivation of the greatest privilege of our Constitution,—and attributing, and justly in my opinion, the distress under which they are at present labouring, to a long system of misrule and mismanagement, which never could have existed, much less continued, if it had not been caused and protected by a gross and notorious system of corruption in the Representation of the People.

Sir, I have heard much said lately of the dangerous state of the times—and I think with justice, for they are awful and portentous; sad from the recollection of past, and gloomy from the prospect of future events, before the fulfilment of which, the importance of both past and present difficulties fades into nothing. There is, I am aware, a spirit of discontent daily increasing, which can not now be lulled or removed by those excuses

which formerly passed current—by those promises which a long succession of years has seen as readily and unblushingly broken, as they were cheaply made in compliance with each temporary cry from the People for reformation and amendment. The increase of national education, and the consequent expansion of the intellects of the middle and lower orders of society, renders it now quite impossible to conceal any longer the causes of our national misfortunes—and this doctrine I find unexpectedly supported by an authority, and in a quarter, from whence I least expected any assistance. Since I came into the House this night, an extract has been placed in my hands from an Address to the Grand Jury of Lancaster, by Mr. Justice Best, which fully confirms the assertion I have just made. The learned Judge there says,—"The general diffusion of reading among the lower classes of society, requires the adoption of other measures than were necessary during the prevalence of ignorance; it would be as absurd to adhere to the old custom of acting, under the new circumstances, as it would be to treat animated beings in the same manner as things inanimate."

I lately, Sir, had an opportunity of ascertaining the habits and opinions of a large portion of those

classes in the north of England: and I must confess, that I was astonished at their improved intelligence—at their vigilant attention to political subjects. There was hardly a village, however secluded from the world, however remote from large cities, however seemingly cut off by difficulties of access from communication with society, in which I did not observe the most vigilant attention to all the great points of our national policy, and the most scrutinizing observation, not only of measures, but of men. Were these symptoms to be discovered even twenty years ago? I think no man will assert that they were, or will deny, that the lower and middle orders were then more remarkable for apathy, and a subserviency to the will of their superiors in rank, than for that independent and intelligent spirit which now animates them, and which only requires the occurrence of a fit opportunity, to prove its existence in all parts of the empire.

In further proof of this feeling, I may also instance the numerous petitions that have been presented this night, and at former periods, all containing complaints against the present system, and insisting on the necessity of Reform. Is it not therefore, a matter of absolute necessity that we,

who call ourselves the Representatives of the People, should at length undertake that just and salutary work of amelioration and concession, without which we cannot hope they ever will be satisfied? I say, without it they never can be satisfied; because we cannot, when we consider the state of the country, deny that their complaints are just. In what a situation are we now! We have a national debt of more than 850,000,000*l.*—an annual expenditure of 53,000,000*l.*—a taxation the most burthensome and oppressive in the known world, and yearly decreasing in productiveness, in the same proportion that it increases in severity—a Sinking Fund, which is the veriest delusion that ever was attempted to be practised on a country—our commerce in a state of the greatest depression—an agricultural interest petitioning from all quarters, and declaring its inability to exist without a protection which, if afforded, would irritate, perhaps greatly injure, a manufacturing interest already exposed to the greatest difficulties in its higher quarters, and whose working classes are nearly reduced to starvation.

We have, besides, a standing army of more than 80,000 men, an object always of the most constitutional jealousy to our ancestors, although it

seems of none to us; the existence of which was even assigned as one of the reasons for deposing James the Second—We have a system of corruption in the greatest activity, by which seats in this assembly are publicly advertised for sale, and as publicly and notoriously bought and sold—and, to complete our domestic picture, we are repeatedly alarmed by accounts of treasons and conspiracies; nay, it was but last night that we were told by a Noble Lord, the Secretary at War,* that we were only in the first year of domestic peace! Our gaols are overflowing; and our eyes are shocked, and the better sympathies of our nature disgusted, by the most barbarous and unnecessary executions—the effect of the impolitic severity of our criminal laws.

If we turn our eyes outwards, we find no accession of national honour or character to make up for our bankrupt and miserable state at home. Repeated violations of public faith and solemn pledges, recorded to our eternal disgrace, in the transfer of Norway,—the base abandonment of Genoa,—the partition of Saxony,—the surrender of Parga—A steady and undeviating support of all those feudal abuses and despotisms, which it is the object of the Holy Alliance to bolster

* Lord Palmerston.

up if possible: evinced, I say, most unequivocally, by our repeated adoption of an act the most repugnant to the free principles, although not to the present practice, of the British constitution, I mean the Alien Bill—An utter indifference to the struggles of a people contending for constitutional liberty; when a firm remonstrance, breathing the genuine spirit of English freedom, might have arrested the invading arms of Austrian barbarism, and prevented a war which has too unhappily succeeded, for the moment, in its sacrilegious aim, the repression of freedom, and the riveting again of chains which an effort of just and noble resistance had peacefully broken—All these, and many other characteristics of our foreign policy, which I need not now mention, have degraded us in the eyes of the people of the Continent, and rendered us with them objects of distrust, suspicion, and hatred.

Under these circumstances, is it not natural that every mind capable of reflecting should be earnestly employed in endeavouring to ascertain the causes of this consummate degradation of national character? Nor have the people of England, unfortunately, far to look—the origin of all their misfortunes is to be found in the abuses prevailing

in that branch of the legislature which was originally designed for their protection—

Hoc fonte derivata clades
In patriam, populumque fluxit.

Sir, for a long period of time the People of this country had to contend against the tyrannical encroachments of their Kings, and the undue exercise of the prerogative; nor did they succeed in establishing their rights for a time, until after the severest struggles, and the effusion of the best and noblest blood in the nation. At length, the system of attack was altered; it was discovered to be far more easy to govern by means of a majority in the House of Commons: and infinitely more effectual to employ the arms of corruption, than those of oppression, or of violence. Since that fatal discovery was made, our liberties have been at the mercy of all Ministers, to whatever party they may belong; and if we now possess any, we owe it to their forbearance, and not to their being destitute of the power to destroy them entirely.

Let us only look at the means placed at the disposal of the Minister of the day:—The management of our enormous revenue and expenditure, in all its minute and innumerable branches—the

possession of the force and influence of the Crown, exhibited in legions of tax-gatherers, clerks, and officers of all descriptions in the different boards of Customs, Stamps, and Excise—the distribution of 4,000,000*l.* and upwards amongst those civil troops, amounting as they do to 10,000; the nomination of which is always vested in the Ministerial Member, in the town or county which he represents in Parliament—the patronage of the Army,—the Navy,—the Church—and the India Board:—All these weapons, steadily and invariably directed towards one object, the strengthening the influence of Government in this House, form a weight of power which the People, as at present represented, cannot resist. The consequences have been fatal to our happiness and prosperity. That check which the People are constitutionally supposed to have on the power of the crown, by holding the reins of taxation in their own hands, and having the power of withholding the supplies, has been rendered null and void, in consequence of the great majority of their Representatives being returned by improper influence—by the Crown in some instances, by Peers in others,—in many cases the member returning himself—but all possessing interests distinct from those of the People.

Ought it therefore to be a matter of surprise, that the national debt was increased ONE THOUSAND MILLIONS during the late reign? or can we expect the people to be satisfied with a system, through which they have been plundered of these millions, to provide for the most wild and extravagant wars —the termination of which has always left them in a worse situation, than they were in at the commencement? I contend, therefore, that it is the paramount duty of every true lover of his country to endeavour to restrain and diminish the influence of the Crown, and prevent it from destroying those constitutional defences of the rights of the People, which are to be found in a state of representation directly and purely emanating from themselves. The Theory of the Constitution, according to the best authorities, is, that all the parts of it form mutual checks on each other. I think it is Blackstone who has said, that in the legislature the people are a check on the nobility, the nobility upon the crown, and the crown upon both. But the practice, according to modern innovations and corruptions, is widely different from this theory. In the enumeration of those checks, we must entirely omit that of the People: for they are not represented in the legis-

lature. When I say this, I mean, that although there may be some few members returned according to the purest spirit of the Constitution, yet that the great majority are returned by the most improper means, without even the remotest shadow of popular delegation. In proof of this, I am now ready to adduce in evidence at the bar of this House, that 180 individuals return, by nomination or otherwise, 350 members.

Now, Sir, does any man who hears me, imagine that those Members do not, in the first instance, consult the wishes and political attachments of those to whom they are indebted for their Seats? How often do we hear it said, "Why has Mr. A. taken the Chiltern Hundreds?" The answer constantly is—"Because he cannot conscientiously vote with Lord B. or Mr. C. who returns him, and therefore he deems it a point of honour to resign his Seat"—a point of honour, by the way, which I never hear of, as being acted upon towards the People, however it may towards the Patron. But all these facts are too well known, for me even to trouble the House by the mention of them—individually they know them to be true—collectively they know it—for they have often been brought under the consideration of Parliament; and one

noble Lord,* in particular, has no reason, I think, to be delighted by any accession which thereby has accrued to his constitutional fame. The result however, shortly, is this: By direct nomination—by the existence of Boroughs, where some 20, 50, or 100 Voters are septennially bought and sold, like cattle in a fair—by the influence of Government, which, owing to the small number of Electors, as compared with the population of the Empire, can but rarely and partially, and then most expensively, be resisted—a majority is always to be procured for the Administration of the day—a majority, forming a body, the most convenient, the most pliable, the most manageable, that the wit of man could invent: sanctioning measures solely on the principle of ministerial recommendation, without any reference to the expressed wishes of the People. Instances of this I need not enumerate, for they are now matters of history, and their records are accessible to all: as a sample of the commodity, I may however mention, that a majority of a House of Commons sanctioned and approved the infamous Expedition to Walcheren—as for its pliability, I myself have seen the same

* Lord Castlereagh, now Marquis of Londonderry, accused by Mr. Madocks of having bartered a place for a seat.

Members voting for that very question, which they had negatived only one hour before: but I will not weary the House by the detail of the long and black catalogue of offences committed by its predecessors, for of the present House I am prevented from speaking, as I should wish, by the existence of forms which I do not intend to violate.

Now, Sir, to prevent the further continuance of this state of things, the recurrence of such proceedings as I have thus generally described, is the object of my Motion. In order that the People may be fairly and adequately represented in the Legislature, and the balance of the Constitution thus restored, it is necessary, in my opinion, that there should be an extension of the Elective Franchise to the unrepresented classes contributing directly to taxation—Copyholders, Leaseholders, and Householders; that all venal, corrupt, and decayed Boroughs should be disfranchised; and that there should be a recurrence to Triennial Parliaments, accompanied by such restrictions on the expenses of elections, as could easily be accomplished under a reformed system, but which now it is quite impossible to effect, and useless to attempt.

It would indeed be presumptuous in me to attempt to enter into a detailed history of the ori-

gin and constitution of the House of Commons. It has been so often and so ably discussed within these walls, that nothing new, in fact, can be adduced on the subject: a short allusion however to its composition, will, perhaps, be permitted me; and I trust the House will not be wearied by a short review of the Statutes which have been passed at various times, affecting either its duration or constitution. In the reign of Edward III. an Act was passed by which Parliaments were to be held annually, in consequence of a disinclination both on the part of the Sovereign to summon them, and of the Representative to attend: arising on the one hand from a too great tendency to arbitrary power, and on the other from a lamentable deficiency in spirit and zeal in the People—the most fatal and ruinous symptom which can exist in a national character: nay, to such a height was this feeling carried, that it was found necessary to pass a law fining Members for non-attendance, and fixing the rate of their wages, as a greater inducement. Still, however, Parliaments were not held or called either according to the letter or spirit of this Enactment, the ill effects of which are apparent in every page of our history. At length, in the 16th of Charles 2. c. 1. it was

ordained that Parliaments should be assembled every three years: and in the 6th of Wm. & Mary, c. 2. the Triennial Act was passed, which recites, "that by the ancient laws and statutes of the kingdom, frequent parliaments ought to be held, and that frequent and new parliaments tended very much to the happy union and good agreement of the king and people, and enacts that a new parliament should be called once in three years at the least."

The last Act relating to this subject, and under which the present duration of Parliaments exists, is the stat. 1 Geo. 1. s. 2. c. 38. It recites, that "it had been found by experience that the clause in the Act of William & Mary, limiting the duration of parliaments to three years, had been found grievous and burthensome, by occasioning greater expenses at elections, and more violent and lasting heats and animosities, than ever were before known; and there being a restless and Popish faction in the kingdom, designing and endeavouring to renew rebellion and an invasion from abroad, and that if continued it might prove destructive to the peace and security of the Government;" and therefore it ordains, "that all future parliaments shall continue seven years, unless sooner dissolved by the sovereign authority."

This Act, commonly called the Septennial Act, was not passed without earnest discussion and resistance, as every one conversant in the history of the Country well knows; and I find in a Protest in the House of Lords, on that occasion, arguments so cogent, and so applicable to the view I entertain of this question, that I hope the House will excuse me if I read a short extract from it. After claiming frequent Parliaments, as agreeable to the Constitution, and the practice of ages, and denying the right of a House of Commons elected for three years, to extend its duration to seven, the Protesting Lords go on in these words:

"We conceive that this Bill is so far from preventing expenses and corruptions, that it will rather increase them; for the longer a Parliament is to last, the more valuable to be purchased is a station in it, and the greater also is the danger of corrupting the Members of it; for if ever there should be a Ministry who shall want a Parliament to screen them from the just resentment of the People, or from a discovery of their ill practices to the King, who cannot otherwise, or so truly be informed of them, as by a free Parliament, it is so much the interest of such a Ministry to influence the elections, (which by their authority, and

the disposal of the public money, they, of all others, have the best means of doing,) that it is to be feared they will be tempted, and not fail to make use of them; and even when the Members are chosen, they have a greater opportunity of inducing very many to comply with them, than they could have, if not only the Sessions of Parliament, but Parliament itself, were reduced to the ancient and primitive constitution and practice of frequent and new Parliaments: for as a good Ministry will neither practise nor need corruption, so it cannot be any Lord's intention to provide for the security of a bad one."

This measure, which I cannot but characterize as a most daring and unconstitutional exercise of Parliamentary authority, was undoubtedly founded on circumstances of temporary necessity, to be justified only by the fact, that if an election had then taken place, it would have been matter of great uncertainty, whether a majority would not have been returned adverse to the Brunswick family, and to the existence of those civil and religious liberties, for the maintenance of which they had been elected and summoned to the Throne. Upon this subject, I know historians have widely differed; my own opinion is, that however

much posterity may feel grateful for the result which attended that measure, as far as regarded the eternal expulsion of the Stewart family, they must always reprobate the means by which it was obtained, as having established a most dangerous precedent, and opened a source of parliamentary corruption, which it was the most earnest endeavour of our ancestors at the Revolution to eradicate.

I should not therefore consider any alteration beneficial which did not include a recurrence to Triennial Parliaments, affording, as they would, the very best security for that frequent communication between the Representative and his Constituents, the absence of which is but too apt to render him entirely independent of them, and regardless of any interests but his own.

The next point to which I shall call the attention of the House, regards the Electors and Elected. After the best research which I can make into the subject, and the maturest deliberation, I remain convinced, that until the reign of Henry VI. all English freemen were entitled to vote for Representatives. Without going into the remote ages of our Saxon ancestors, I find this doctrine acknowledged by declarations from Sovereigns in various forms, and by a special Act of Parlia-

ment. Edward I. in his first writ of summons to the Sheriffs, requires the return of two Knights, who are to be chosen by the *commonalty of each county*, and two Citizens and Burgesses by the commonalty of each city or borough: and gives as his reason, what he justly calls a most equitable one, namely—" that what concerns all, should be approved by all; and that dangers common to all, should be obviated by remedies provided by all." In the same spirit was it, I apprehend, that Edward III. said, in reply to a petition from the House of Commons in favour of annually holding Parliaments, and the restriction of voting to what they called the better People in counties—" as to a Parliament every year, there are statutes and ordinances made; let them be duly kept and observed; as to the choice of Knights, the King wills that they be chosen by the *common assent of the whole county*." At last, in the 7th of Hen. 4. this important principle was solemnly recognized in the Statute Book. The Act runs in this form: " Our Lord the King, at the grievous complaint of his Commons, of the undue elections of Knights for counties for the Parliament, which be sometime made by affection of the Sheriffs, and otherwise against the form of the writs directed to the

Sheriff and the great slander of the counties, and *hindrance of the business of the commonalty* in the said county," &c. &c. It provides therefore "as a *remedy*, that at the next county court after the delivery of the writ, *all they who be there present*, as well suitors duly summoned for the same cause, *as others*, shall attend to the election of their Knights, and then in the full county shall proceed to the election freely and indifferently." Now, if the word "suitor" was not sufficiently comprehensive, the term "and others" clearly proves that all freemen were intended to participate in the election; and in those days nearly every freeman was possessed of some degree of property from which he contributed to the support of the State. This act was still farther recognized in the 11th of Hen. 4. and the 1st of Hen. 5., but the latter makes residence a necessary qualification both for electors and elected.

At length, one hundred and thirty-four years after this right had been exercised by the People of England—namely, from the time of Edw. 1. to Hen. 6.—the disqualifying statute was passed in the 8th year of the reign of the latter King. It recites, "that elections of Knights in many counties had of late been made by great,

outrageous, and excessive numbers of People, *dwelling within the same counties*, of which the most part was people of small substance and no value, *whereof every of them pretended a voice* equivalent with the most worthy Knights, whereby riots, batteries, and so on, among the gentlemen and other people"—(The House will naturally suppose the sentence concluded with "unhappily *have* occurred:" on the contrary, all we find is)—"*shall very likely rise and be*—and therefore provides that Knights of the shire shall be chosen by people dwelling and residing in the same counties, whereof every one of them shall have free land or tenement to the value of 40*s.* by the year at least above all charges, and that they which shall be so chosen shall be dwelling and resident within the same counties."

From this period is to be dated the transfer of the elective franchise from all freeholders and all freemen, to freeholders of the amount of 40*s.* a year: a period marked also by another most glaring invasion of the liberties of the people—the adoption of an act compelling labourers and artificers to work for low wages, under severe fines and penalties. As, therefore, all persons denominated liberi-tenentes, and all freemen *possessing*

property, however small its value, from which they contributed to taxation, enjoyed the right of voting, until they were most treacherously and tyrannically disqualified by this act of Hen. VI.—so, I say, now, all Englishmen, possessing the same qualifications, ought to resume those rights which were shamefully wrested from their ancestors under the most false pretences; for the preamble of the Bill which I have just read, fully exposes the weakness and absurdity of the reasons alleged; and effected also under circumstances, and accompanied by other measures, bearing no other stamp than that of the most arbitrary power.

The Stat. 23 Hen. 6. c. 14. recognizes in its recital an act passed in the 1st Hen. 5. respecting what sort of persons shall be choosers, and who shall be chosen Knights and Burgesses; and declares that Knights of the shire shall not be chosen unless they are *resident* within the Shire, and the choosers also *resident,* and the same with regard to cities and boroughs. These laws, as to residence, were not repealed until the 14 Geo. 3. c. 58; and the reasons assigned in the preamble to that act are most ludicrous—that the provisions in them had been found by long usage to be unnecessary, and had become obsolete. The fact was,

that the qualifications there insisted upon as to residence, had long been purposely evaded, or manifestly disregarded, from the most corrupt motives, although the statutes were positive and unrepealed. In these enactments, the principle of a fair and just representation is to be recognized; namely, that no county, city, or borough, should be represented but by persons resident in, or free of them, and consequently acquainted with their various interests and necessities. But is this principle, just as it is, at all applicable to the present state of the Borough system? Many of these boroughs, formerly populous and flourishing, and therefore represented, are now decayed and depopulated; consisting, in many instances, only of posts or stones, denoting merely the site of former dwellings. Is it according to the spirit of the Constitution? Is it according to the tenor of the statutes I have just cited, that these substances should return Members to Parliament? And how are they represented? By burgesses "resident in or free of" these boroughs? By no means. I think, if I were to appeal for confirmation to this House, and I were honoured with an answer (which is certainly not very likely,) I should be surrounded by Members, starting up on all sides,

declaring that they had never been blessed with the sight of their inanimate, and, fortunately, insensible constituents; or, if they had seen them, it was when, after travelling post-haste to the Lands-end, to undergo the forms and insulting mockery of an election, they had carefully taken them out of their trunks, into which they had recently been transferred from the dignified retirement and security of their Solicitor's Office.

I say, therefore, that the right of sending Members to Parliament, which is now vested in these rotten Boroughs, ought to be abolished; because those places need no separate and distinct representation for themselves; and may be, nay notoriously are, the means of introducing a corrupt influence into this House. As to whether the owners of this borough property ought to receive any compensation or not, as suggested by Mr. Pitt, and I believe lately by a noble Lord near me,* I should say, decidedly not, and for this reason—if this right, this white slave-trading right, was taken away from them, they still would remain in possession of their legal and constitutional property, their lands and their houses, the only property the existence of which they dare openly avow to the

* Lord John Russel.

world. It would not be depriving them of any thing they ought to have, it would be depriving them only of the corrupt and unconstitutional practicability of selling seats in Parliament, or bartering them for places, pensions, sinecures, and other appointments in the gift of the Minister.

Here, Sir, I may observe, that down to the reign of Henry VIII., possibly later, Members of Parliament received wages from their constituents, as I have stated before, which were assessed and levied by a public rate. The practice is undoubtedly in one sense discontinued; for the constituents in many places are now paid themselves for performing their functions, and the Members in return claim and receive their wages in other quarters. This payment, when effected by constituents, operated as a bond of union, and attached their representatives to them as their employers. The principle of payment still, I believe, prevails: but the employers are changed, and, I fear, the people of England do not consider the change as having operated beneficially for their interests.

But, setting aside the delicate question of payment, both as regards the Member and his constituents, surely it cannot be, as Locke has well

observed, upon a fair principle of representation, that the Members for boroughs possessing no population, or at most only a few burgage-houses, should have an equal right with the Representatives of the largest counties in England, to vote away the money of the inhabitants of those counties, with whom they have not the remotest connexion; a right forming the most important privilege of the Constitution, and which was vested in it solely for the benefit and protection of the People. I am aware that it is difficult to obtain an exact equality of representation, both as to numbers and property; but I consider it an object which ought to be attended to as much as possible. Property of some degree, no matter how low the value, must be the best basis on which to found the elective franchise. It is that, from which those resources are drawn, which support the State, and whose application its possessor has a right to regulate and controul through his representative. It affords the best pledge for his conduct, and renders him independent of that commanding and overbearing influence or temptation, which, if exerted against a poor and dependent man, would prevent the possibility of his bestowing a free and unbiassed suffrage.

I contend also, that owing to various circum-

stances, the lapse of time, the increase of population in some places, the decrease in others, and the enormous extension of the influence of the Crown, our system of Representation has fallen into a degree of decay and imperfection, which imperiously calls for reformation and amendment. The nature and extent of that alteration, I own it to be difficult to determine. I am not presumptuous enough to imagine, that the course I recommend is the only one befitting us to adopt; but I think it fair in introducing this question, for which I contend on the ground both of justice and expediency, to state at once and openly, how far I think a change beneficial, and likely to be effectual in removing those evils of which we complain.

The principle of a change in our representative system is not new, and has been acted upon at different times, as may be seen by a reference to various Acts of Parliament. The 27th of Hen. 8. c. 26. regulates the Representation of Wales. The 35th of Hen. 8. c. 11. settles the wages of Knights and Burgesses in Wales, and declares who shall be the choosers of Burgesses. The 34th of Hen. 8. c. 13. recites, that "the County Palatine of Chester had hitherto been excluded from sending Members to Parliament, by reason whereof

the inhabitants had sustained many *losses and damages* as well in their lands and goods and bodies, as in the *civil and politick maintenance and governance* of the commonwealth of the county; and as a *remedy to restore quietness, rest and peace*—It is enacted, that the County shall send two Knights of the shire, and the City of Chester two Burgesses, to Parliament." The next and last statute to which I shall refer, is one in which, I confess, I am peculiarly interested, as without its adoption, I should not have had the honour of now addressing this House. In the 25th of Charles 2. c. 9. I find it asserted, "that the inhabitants of the County of Durham are *liable to all payments, rates, and subsidies*, granted by Parliament, equally with the inhabitants of other counties, and are therefore *equally concerned with them* to have their Knights and Burgesses to represent the condition of their county, and they are accordingly authorized to send two Knights for the County, and two Burgesses for the City." After citing this last Act, I, above all others, may be permitted, in the language adopted in reference to the County I represent, to say on behalf of the unrepresented classes of England, that they are "liable to taxation equally" with other subjects,

and therefore ought to be represented in Parliament. Those unrepresented classes, thus contributing to taxation, are Copyholders, Leaseholders, and Householders. Upon these principles therefore, and in the words of the Chester Act, "as a remedy to restore quietness, rest, and peace," I should propose that they should be admitted to the enjoyment of that privilege.

In order to effect this, I have prepared a Bill, with the assistance of a learned friend of mine, whose valuable and efficient co-operation I beg leave now gratefully to acknowledge; and if the House will allow me, I shall, as shortly as possible, detail its provisions and objects. It is divided into three parts. The 1st part relating to Householders, and the division of the County into Districts, each returning one Representative. The 2d, adding Copyholders and Leaseholders to the County Representation. And the 3d, repealing the Septennial Act, and limiting the duration of Parliament to Three years.

As to the first part—The necessity of dividing the County into districts must be apparent, in order to give effect to the proposition for enabling *all* Householders to vote, as without such an arrangement no Householder could vote, unless

he resided in a town to which the right of Representation was annexed. The effect of a division into districts, would be to give a Representative to every 25,000 inhabitants,—of whom, reckoning one in ten to be a Householder, paying rates and taxes, 2,500 would be electors. This calculation is made on the assumption that the population of England and Wales amounts to ten millions and a half, to be represented by 417 Members; the number remaining, after deducting the County Members, and those for the Two Universities, whose representation I do not propose to alter. In 1817 it was calculated that the population of London amounted to 1,140,000, the number of houses to 161,882. It would thus appear that one in seven and a half was a householder; and if this scale were to be applied generally, it would give 3,750 constituents to each Member: but considering that great allowance must be made for the number of householders who are not rated, and do not pay taxes, as owners of small cottages, and persons receiving parochial relief, I think the fairest and truest estimate will be, that which reduces the calculation to one in ten.

The right of voting I propose should be given in these districts, to all inhabitant Householders,

bona fide rated to church or poor, or assessed to or paying direct taxes for six months previous to the first day of election, not having received parochial relief; every such person, except persons now disqualified otherwise than as Catholics, to be entitled to vote.

The next provision I was anxious to make, was for the fitness and impartiality of the Returning Officer for those districts, on the correct and fair discharge of whose duty so much necessarily depends. I propose, that he should be an acting magistrate within the district, and be chosen annually by the overseers and churchwardens; no magistrate to be eligible two years running, or to be bound to act within three years. His being elected by those who derive their appointment chiefly from the Electors of the district, will inspire greater confidence than if the office were held either permanently, or independently of the inhabitants. I propose also to authorize him to appoint a Deputy to attend to the minor details of the duty, which can frequently be better performed by a professional person, whose residence on the spot is always fixed and certain; but that the principal should be bound always to attend at the election. For the purpose of still farther pro-

viding for the impartiality of the returning officer, I have inserted a clause, rendering him liable to imprisonment, if he acts corruptly, as is provided in Ireland by the Stat. 57 Geo. 3. c. 131. The magistrate, however, may decline acting as returning officer, on payment of a fine of 200*l.* to the poor of the district. This provision I have thought necessary, as it is possible that a magistrate might be elected, who had intentions of offering himself as a candidate for the representation of the district.

The Election I should propose to take place in the chief town in the district, to commence before twelve o'clock on the first day. If a poll is demanded, to be opened on the same day, or the next at farthest; and to be kept open on all days, except the day of demanding it, for eight hours at least; not to last longer than six days, including the first day of election; to be closed at three o'clock on the last day, and the return to be made immediately, unless a scrutiny be demanded. The returning officer will be obliged to provide a sufficient number of polling booths, separate, and with good access; the votes to be taken in them alphabetically; the letters, for which each booth is designed, to be affixed on the outside. In dis-

tricts consisting of more than one parish, where the voters reside more than five miles from the chief place of election, votes may be tendered to the overseers of the parish where those voters reside. The poll there taken to last three days; to be kept open five hours each day: only three days are given, exclusive of the first day, in order that the parish-poll may be received the evening before the sixth and final day of the district poll, and thus enable the gross poll to be declared immediately on its close. The object of this arrangement is to prevent the great expense of the conveyance of voters, by enabling all those who cannot, or will not, proceed at their own expense to the chief town, to tender their votes at a moderate distance from their places of abode: whilst at the same time it leaves unaltered and untouched that spirit, energy, and interest, which always characterize the proceedings of an election held in a populous town, where the candidate appears personally before large bodies of his countrymen, to answer openly for his past conduct, and give such pledges for his future actions as may publicly be required of him.

I wish also to provide for ample public notices of the election being generally circulated through-

out the district: at present, such notices are generally given either by proclamation, or by that much calumniated individual, the bellman, whose announcement of the Suffolk Reform Petition has been so much objected to in the early part of this evening, by the Honourable Member for that county.* I propose that the sheriff should issue his precept within three days of the receipt of the writ, to the returning officer of each district within his jurisdiction; the returning officer to give public notice within 36 hours of the time and place of election, and to proceed to the election on the Monday next, after two days from the time of giving that notice. Now, by the Stat. 7 & 8 Will. 3. the sheriff is to deliver the precept within three days, and the election must be held within eight days; four days' notice at least being given. This new arrangement would make little difference in the time of holding the election, after the returning officer received the precept, but would secure the election not breaking into two weeks. Every returning officer on the receipt of the precept, to affix notices on the doors of the churches, and on the market places, of the time and place of election. The overseers to be

* Mr. Gooch.

obliged to make and send alphabetical lists of all persons rated, to the returning officer, within a fortnight after the publication of the rate, as also the collectors of the taxes, after the receipt of their warrants of collection. By this means, the returning officer will be always sure to have the proper rate ready in case of vacancies; as, if it was to be delivered only yearly, it might never be a correct guide. The confusion which arises in taking a poll, would be thereby much diminished, and the opportunities for taking objections lessened.

I propose that all persons now entitled to vote for any borough, or town, or place, now represented in Parliament, should be empowered to vote for life, (or as long as the right, in respect of which they claim, remains,) at all elections in that district within which the place is situated.

All the expenses of these District Elections, that are authorized by the Bill, namely, those relating to polling-places, clerks, messengers, and other necessary charges, will be paid out of the poor-rates of the several parishes in each district, by warrant from the returning officer and one other magistrate. This power of issuing a warrant is sanctioned by other instances, somewhat similar.

The stat. 27 Eliz. c. 13. s. 5. making the hundred liable for a moiety of the damages received, enacts, that two Justices shall rate the different parishes to an equal contribution. The stat. 1 Geo. 1. c. 5. s. 6. adopts the same course for recovery of the sums, referring to the 27 Eliz. These statutes are amended by the 8 Geo. 2. c. 26. and the 22 Geo. 2. c. 46: all of which authorize the assessment to be made by two Justices; and, lastly, the 57 Geo. 3. c. 19. adopts the same course, taking as a precedent the 1 Geo. 1. c. 5.

And now, as to County Elections—I do not propose to alter the mode in which they now exist, further than by adding, as electors, Copyholders and Leaseholders, and making the same regulations as to the prevention of expense in the conveyance of voters from distant parts, as I have detailed before in that part of the Bill which relates to Districts. I conceive copyhold property, whatever it might have been in feudal times, to be now as good as freehold, because the possessor of it cannot be deprived of it, as formerly, at the will of the lord. I propose also, to grant the elective franchise to Leaseholders for terms of years renewable at the will of the lessee, and for terms in which 21 years are

unexpired. (I should here observe, that even now a lease for life is a freehold, and gives a right to vote.) This will enable proprietors under college or other ecclesiastical leases, or under long leases for small and nominal rents, such as building leases, to vote at County Elections; in which privilege I would also join freeholders of 40*s*. in towns which are counties within themselves, in order to avoid the anomaly which now exists, of there being freeholders in some places who have no right to vote, either for the county or town in which their property is situated.

The polling for Counties I propose to be on the same principle as in District Elections, for the reasons I have before stated; the votes to be tendered in hundreds or wards to the high constable; but the election to take place in the county town, as now; the duration of the County Poll to be 10 days, that of the Hundred Poll 5 days; the high constable, his deputies and messengers, to receive a certain remuneration. There is no provision of this kind intended for the overseers in districts, because they are numerous, and will not have to go out of their parish. But the office of high constable is generally executed by an individual, who will have some distance to go from home.

The sheriff to have the power of appointing as many booths as may be deemed necessary to facilitate the taking the poll. Under the present law, 18 Geo. 2. c. 18. s. 7, he can only appoint as many booths as there are hundreds, from which much inconvenience frequently results. There is no one who has witnessed a contested County Election, but must be aware, that it often happens that one booth, for the most populous hundred, is crowded from the first to the last day of the election, to the great hindrance and inconvenience of the voters, whilst others are constantly empty, and the clerks unoccupied.

I propose that the same Oaths should be taken by the Electors, under this Bill, as at present, with the exception of the Catholic oaths and declarations (provided by the 30 Chas. 2., and 1 Geo. 1.) Those Acts, which are now mere instruments of illiberal and impolitic intolerance, of course I shall not embody in a measure of enfranchisement. In addition, however, to the present oaths, are added some to be taken by copyholders, leaseholders, and householders; as also an oath to be taken by every Candidate before his return, and on his taking his seat, that he has not, and will not give or offer any bribe of any description to any voter,

or any person in trust for him. This oath to be administered by the Returning Officer, under a penalty of 500*l.* for omission; and all laws now in force against bribery are to be applied to those convicted, on the evidence of two witnesses, of having offered any inducement to an Elector to give his vote.

Finally, all Ambassadors, and persons accepting offices under His Majesty, the duties of which are to be executed abroad, will be deemed ineligible; and, if previously elected, their seats will be vacated on such acceptance; as, under those circumstances, it would be morally impossible for them properly to discharge their duties to their constituents. I have not made any provision disabling other Placemen or Pensioners from sitting in Parliament; because, however much such a measure may be desirable and necessary in an unreformed, I do not think it required in a reformed House of Commons. An individual accepting a Place or Pension, will be immediately amenable to the judgment of his constituents; who, if they disapprove of his conduct, will have the opportunity of expressing that opinion in the most efficacious mode, by ceasing to return him as their Representative. On the other hand, if, after mature deliberation, they do not

consider his acceptance of such situations or appointments incompatible with the due performance of his duties to them, it would be hard to deprive them of the benefit of those services which they desire and are willing to accept, with the full knowledge of the circumstances under which he again presents himself to their notice. I know that this principle is supposed to be acted upon, even now—but the effect produced is materially and essentially different. Under the present system, the Placeman or Pensioner who vacates, appeals, in nine cases out of ten, to the judgment of nominal or mock Constituents. Under the operation of this Bill, the elective body will be so numerous, and so independent, that their decision will always be formed on a consideration of what is most conducive to the general interests of the country; without any reference to those selfish and corrupt views, which now unhappily influence the proceedings of those select bodies, in whose hands the Borough Representation is vested.

I have not extended the provisions of this Act beyond England and Wales, because a noble Friend of mine* has already given notice of a motion on the subject of the Representation of

* Lord A. Hamilton.

Scotland, which he wished should be kept separate ; and it would be easy, if the Bill was carried, to include in it both that country and Ireland.

I have now gone through the principal and most important details of this Bill. It is not my intention now to move for leave to bring it in. I shall pursue the course adopted by the learned Member for the University of Dublin, with regard to the Catholic claims, and shall conclude this day, by moving that this House will resolve itself into a Committee of the whole House, to consider of the state of the Representation. If that Committee is granted me, I shall move in it Resolutions embodying the principle on which this Bill is founded, recommending its introduction, and asserting the expediency of thus far extending the Elective Franchise, as founded on a recurrence to the first principles of the Constitution, which declare, according to Lord Chatham, that to be taxed without being represented, is contrary to the maxims of law and reason, and strengthened by the evident tendency of many acts of the Legislature, which prove that defects in our Representative System have been amended when the exigencies of the State required.

It will be but fair here to state, that I consider no one, who votes for going into the Committee, as at all pledged to the principle of the Bill: I consider such a vote as merely sanctioning the assertion that the state of the Representative System is such as to require consideration in this House, with a view to its amendment.

I well know, that in advocating the propriety of an extended change, I shall be opposed by the misrepresentations of some, the sophistries of others, and the fears of many—fears which it has been the object of a certain class of politicians to excite upon all occasions, and through them to carry on the government of this country—a system which has never been considered as auspicious to the existence of Liberty in any country, or at any period. It was first commenced at the French Revolution, by Mr. Pitt, to cover his abandonment of his early principles, and his adoption of that very system under which he had declared no minister *could* act honestly. This mode has been carried on to the present day, and our minds, it seems, are still to be alarmed by visions of anarchy and confusion, to be realized whenever the People are put in possession of those Elective Privileges which their ancestors once peaceably enjoyed. I should

have thought that a participation in acknowledged rights and benefits, was not the surest incentive to treason and disaffection—but rather a security for submission and tranquillity. It was on the latter principle, I imagine, that our ancestors acted, when they granted the solicitations of the inhabitants of Wales, Chester, and Durham, and recorded in the most solemn manner on the Statute Book, their conviction that affording large classes of the community an interest in the Constitution, was the best, and wisest, and safest mode of providing for its well-being and permanency.

The system pursued by the Gentlemen opposite is widely different. They obstinately exclude the Petitioners of the present day; heap on them every term of reproach which the ingenuity of wit, or the bitterness of sarcasm, as administered by the Right Hon. Member for Liverpool,* can supply, and then express astonishment and alarm at the feelings which they hear repeated and re-echoed on all sides. To repress these, innumerable acts of restraint and coercion have been proposed by them, and of course adopted by Parliament. The right of publicly meeting to discuss public affairs has been fatally abridged, and the result of this is an awful—sullen silence; still they are not satis-

* Mr. Canning.

fied: nor can it be a matter of surprise — the debate of last night* sufficiently shews that they do not forget the insecurity of power founded on force, and force alone. Hence is to be traced the course of all their proceedings, tending manifestly to one object—the repression of that voice of public complaint; which, I will tell them, may yield to conciliation, but never will to severity.

Yet, in the midst of all their alterations of the laws in order to smother these complaints, they at the same time talk loudly of the dangers of innovation! Who, I should be glad to ask, are the greatest innovators? They who seek to restore the purity of the Constitution? or they who suspend the Habeas Corpus Act—pass Indemnity Bills—suspend the right of publicly meeting—who attack the Liberty of the Press by taxation and banishment?—These, and many other atrocities have been perpetrated by the Ministers opposite, and yet they have the effrontery to charge others with that very crime, of which they, above all men, are most guilty. On my part, I deny the charge of innovation: I ask no privileges, which have not already been enjoyed by our ancestors, and to which I do not consider their posterity as entitled on every ground both of justice and expediency.

* On Yeomanry Corps, in the Army Estimates.

Before I conclude, I must notice two arguments which have greatly been insisted upon as fatal to Reform. The one is, that the present System, however faulty in theory, works well in practice; the other, that were it not for rotten Boroughs, men of talent, without property, would be excluded from seats in this House. That this System works well in practice for the Honourable Gentlemen opposite, their friends, their relations, and their families, I cannot deny: the fact is unquestionably proved by a reference to the Place Lists and Pension Lists; but that it works ill for the Country, is as surely demonstrated by a view of its present state and condition. If any man will prove to me that the Country is rich, flourishing, and contented—happy at home, and respected abroad—I will then own to him that the System works as well for the People, as it evidently does for the Gentlemen opposite. As for the other assertion,—I deny that the effect of a Reform would be to exclude men of talent, without property, from the House of Commons. History has always proved, that characters of such a description have much sooner found their level under a free and constitutionally Representative Government, than

under a corrupt or a despotic one. But even if that were the case, I hold it to be no argument against Reform. For, was this House originally intended as a theatre for the display of talents and abilities? Or was it provided as an institution, forming a check on the power of the Crown? in which honesty and independence would be infinitely more valuable, especially in the exercise of its most important function, the management of the Public Revenue, than all the rhetorical exhibitions which could be held up to popular admiration. If this latter be the correct view of the question, then I submit that I am entitled to make the talents of the Members secondary to the purity of the House. To take the case into private life, I must confess, that in my own establishment, I would much rather be served by a man of plain, downright, even stupid honesty, than by the most eminently gifted rascal that ever wore a livery.

I fear that I have detained the House too long; but the question is so extensive and complicated, that even now I feel conscious that I must have omitted many arguments and statements which bear strongly on the case. All I beg is, that its merits may not be affected by my demerits; and

that the House will consider its real and serious claims on their attention, without any reference to its advocate. This is not a time at which PUBLIC OPINION can be trifled with; it is making rapid and mighty progress throughout the world. Wherever it is resisted, as in Italy, the results are deplorable, and all tend to some great convulsion. Where its power and justice are acknowledged, as in Spain, the prospect is most cheering. We see disaffection instantaneously quelled—venerable and rotten abuses reformed—superstition eradicated—and the Monarch and the People united under a Constitution, which alike secures the privileges of the one, and the liberties of the other. May I not then consistently hail the rising of this star, in what was once the most gloomy portion of the European horizon, as a light to shew us the way through all our dangers and difficulties—as a splendid memorial of the all-conquering power of PUBLIC OPINION? If there be any, who deny the existence of that feeling in this country, steadily directed towards a reformation of all public abuses, I am not one of those. If there be any, who shrink from advocating this great and vital question in this House, and thus attempting to stem

the torrent of corruption, on account of the obloquy or calumny by which they may be assailed, again I say, I am not one of those,—

> - - - - - - - - Though perils did
> Abound as thick as thought could make them, and
> Appear in forms more horrid—yet my duty,
> As doth a rock against the chiding flood,
> Should the approach of this wild river break,
> And stand unshaken.

Sir, I move you, that this House do resolve itself into a Committee of the whole House, to consider the state of the Representation of the People in Parliament.

A

BILL

For effecting a Reform in the Representation of the People in Parliament.

WHEREAS many boroughs and towns in England and Wales which now send burgesses to parliament have fallen greatly into decay, and contain but few voters to return such members to parliament: AND WHEREAS many other towns and places of great wealth population and consequence do not return burgesses to serve in parliament: AND WHEREAS many persons inhabitants and householders in various parts of England and Wales have no right to vote at and have no voice in the election of any members to serve in parliament, and yet are liable to all payments rates and taxes granted by parliament equally with persons voting in the election of members to serve in parliament, and are therefore equally interested and concerned with them to be truly and faithfully represented in parliament; by means whereof the representation of the people of England and Wales in the Commons House of parliament has become and is greatly defective: AND WHEREAS it is just and equitable that that which affects all should be imposed only by the common assent of all, and that none should be taxed but by their representatives duly and fairly chosen and returned by themselves; FOR

Preamble.

remedy whereof therefore, and for the promoting and maintaining the prosperity of the crown and the satisfaction and contentment of the people,

BE it Enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the termination of this present Parliament, the several cities towns boroughs cinque ports and other places within England and Wales, which have heretofore been accustomed to return citizens burgesses and barons to serve in parliament, save only the two Universities of Oxford and Cambridge, shall from thenceforth cease to return such citizens burgesses and barons as aforesaid to serve in parliament as heretofore.

Boroughs returning Members at present not to return after the present Parliament, except the two Universities.

AND for the providing more fully and equally for the due representation of the people of England and Wales in the Commons House of Parliament, Be it further Enacted, That the several counties cities boroughs towns and other places throughout England and Wales, shall, for the returning of members to parliament and for the purposes of this Act, be divided into the several districts of boroughs contained in the Schedule to this Act annexed marked (A); and that from and after the termination of this present parliament each of the said several districts shall in all future parliaments to be holden in and for the United Kingdom of Great Britain and Ireland return such one or more member or members to represent such districts respectively in parliament as are set and placed against such districts respectively in the said Schedule hereunto

England and Wales divided into Districts for the purpose of returning Members to Parliament.

annexed marked (A) to be elected and returned in manner hereinafter provided.

When the Town at which the Election is directed to be held is in the jurisdiction of any Sheriff, all places in that District to be held to be within his jurisdiction for the purposes of this Act.

And whereas certain parts of some such districts are situated in separate and distinct shires counties or jurisdictions; Be it therefore further Enacted, That for the purposes of this Act every parish village hamlet or other place whatsoever forming part of any such district shall be taken and held for all the purposes of this Act to be in the same shire county and jurisdiction wherein the place whereat the election for such district is hereby directed to be held as hereinafter provided shall be situated, and shall from and after the issuing of the writ for holding any such election as hereinafter provided be taken to be subject in all respects, for the purposes of such election and for the preservation of the peace during the continuance of the same, to the authority controul and jurisdiction of the sheriff or sheriffs and all magistrates of that shire or county wherein such place appointed for holding such election as hereinafter provided shall be situate, and to the jurisdiction of the returning officer of such district, in like manner as if such parish township village hamlet and other place forming part of such district had been actually situate in the same shire county and jurisdiction and subject to the same controul and jurisdiction as such place appointed for holding such election.

Writs to be issued by Lord Chancellor on new Parliaments.

And be it further Enacted, That when any new parliament shall at any time hereafter be summoned or called, that in lieu of the writs heretofore issued by the Lord High Chancellor of Great Britain for the election

and return of citizens burgesses and barons for cities boroughs towns cinque ports and other places other than the several shires of England and Wales and the said two Universities of Oxford and Cambridge, the said Lord High Chancellor shall issue writs made and sealed under the great seal of Great Britain in like manner as writs have heretofore been accustomed to be issued for the election and return of such citizens burgesses and barons as aforesaid, which said writs shall be directed to the sheriff or sheriffs of each and every county of Great Britain and Wales; whereby the said sheriffs respectively shall be commanded to cause to be elected freely and indifferently such member or members for each and every district within the county bailiwick or jurisdiction of such sheriff or sheriffs respectively as are in this Act directed and required to be elected and returned, and such sheriffs respectively shall be thereby required to return the same in like manner as such sheriffs or other persons, to whom such writs for the election of citizens burgesses and barons, as aforesaid have heretofore been directed, have been required to return such citizens burgesses and barons, and such writs shall be forwarded conveyed delivered and transmitted to and received and dealt with by such sheriffs respectively in like manner as writs for the election of members to serve in parliament are now required to be forwarded conveyed delivered and transmitted received and dealt with under and by virtue of the several Acts made and now in force concerning the delivery and conveyance of writs for the election of members to serve in parliament.

On a Vacancy Speaker to issue his Warrant.

And be it further Enacted, That during the sitting of any parliament which shall be held after the termination of this present

parliament, when any vacancy shall occur in the representation of any such district or districts throughout England and Wales as aforesaid by the death or other removal of any member or members having represented such district or otherwise, such writ or writs as aforesaid shall be issued for supplying the vacancy or vacancies thereby occasioned, directed to the sheriff or sheriffs of the county or counties respectively wherein such district or districts shall be situated respectively, in like manner as writs for the choosing and returning citizens burgesses and barons are now issued during the sitting of the high court of parliament, according to the ancient jurisdiction and authority of the commons house of parliament in that behalf accustomed and used, and the several Acts made and now in force respecting the issuing of the same.

Who shall be Returning Officers.

Magistrates to be elected by Overseers and Churchwardens as Returning Officers.

And be it further Enacted, That for the providing of fit and competent persons to be returning officers in the said several districts respectively, the churchwardens chapelwardens and overseers of the poor of each and every parish township chapelry hamlet or other division in each and every of the said several districts shall on the fourth Monday next after Easter day, or in default thereof so soon after as they shall be required by public notice in writing signed by any two inhabitant householders of such district, or by any one magistrate having jurisdiction in such district, and published in some newspaper usually circulating in such district, in each and every year after the passing of this Act, meet in the vestry room or other most usual place of holding vestries within the principal town village parish township chapelry hamlet or other division of such district whereat the election for such

district is hereby directed to be holden as hereinafter provided, and after electing a chairman of such meeting, who shall have the casting vote in such meeting, on all questions put to the vote at such meeting where there shall be an equality of votes on such questions, but who shall not otherwise vote thereon, shall proceed to elect by a majority of voices of those present at such meeting some one acting magistrate within such district or within some borough town or other separate jurisdiction within such district, if any such there shall be, and if not then some acting magistrate within the borough town hundred riding county or other division wherein such district shall be situate, such magistrate not being a peer of the realm or clerk in holy orders, to become and act as returning officer for such district for which he shall be so chosen as aforesaid, for the year commencing from the first day of June next after such day of election, and until some other person shall be duly chosen in his stead as such returning officer, and such magistrate shall be and become, when so chosen and elected as aforesaid, the returning officer of such district for the year commencing from such first day of June next after such day of election and until some other person shall be duly chosen in his stead as such returning officer, and shall after notice of such election by the chairman of such meeting, which notice such chairman is hereby required to give in writing to such magistrate and also to the sheriff or sheriffs of the county wherein such district shall be situate within twenty days next after such election, be bound to perform and execute all the duties of such returning officer, and to preside at all elections of a member or members to serve in parliament within the district for which he shall be chosen such returning officer as aforesaid, during the time that he shall be and continue such returning officer, and shall execute all

such duties in like manner and shall take the like oaths and be subject to the like pains penalties rules laws regulations directions immunities and disqualifications as the returning officers of any borough town cinque port or other place now sending members to parliament, excepting as is herein otherwise particularly provided and enacted: Provided always, that no such magistrate shall be eligible to be or shall be elected as such returning officer for two successive years, or shall be bound to accept the office or to perform the duties of such returning officer for the same district within three years from the time of such magistrate's having been the returning officer of such district.

Returning Officer giving Notice to Sheriffs may appoint a Deputy, and Office where Duties of returning Officer shall be executed.

And be it further Enacted, That it shall and may be lawful for any such magistrate who shall be chosen and elected the returning officer of any such district to nominate and appoint some fit and proper person or persons as his deputy or deputies, and to name and appoint some place or office within such district, giving notice thereof to the sheriff or sheriffs of the county wherein such district shall be situate, where the duties of such returning officer shall and may be performed; and any person or persons accepting such nomination and appointment shall be bound to perform and execute all the duties of such returning officer (excepting the duty of presiding at elections in such district, which every returning officer shall be bound to perform in person excepting in the case of serious illness or some urgent and sudden necessity, in which case such deputy or deputies may act in his behalf) in like manner as any returning officer would be likewise bound to perform the same; and all notices precepts and other proceedings served at such place shall be held to be good to all intents and purposes, and binding on such

returning officer as if the same had been served at the dwelling house of such returning officer, any thing herein contained to the contrary notwithstanding; and any returning officer or deputy returning officer and each of them who shall refuse or neglect to perform his duty as such returning officer or deputy returning officer, when duly required so to do, shall forfeit £ with treble costs, for each and every such instance of refusal or neglect, to any person suing for the same in any of the courts at Westminster.

Returning Officer acting corruptly to be imprisoned, and rendered incapable of acting as a Magistrate or holding any Office under the Crown.

And for the purpose of guarding against corrupt and partial conduct of returning officers at elections of members to serve in parliament for such districts, Be it further Enacted, That every returning officer or deputy returning officer who shall be by due course of law convicted of having acted corruptly or partially in the execution of his duty of returning officer or deputy returning officer of any such district, at any election of member to serve in parliament for such district, shall be adjudged guilty of a high misdemeanor, and be imprisoned for such time, not exceeding three years nor less than one year, as to the court, before whom such returning officer shall be tried, shall seem fit and meet; and such person so convicted shall from thenceforth be incapable of acting as a magistrate or of holding any office under the Crown.

Magistrate may decline, and pay £200 Fine to the Poor.

And whereas it may happen that in some instances magistrates may be chosen returning officers for districts for which such magistrates may have an idea of offering themselves as candidates for the representation thereof: And whereas

such magistrates would be disqualified by the existing laws as such returning officers from representing the district for which they were respectively such returning officers, and might therefore be prevented from offering themselves as such candidates; Be it therefore further Enacted, That if any magistrate shall be chosen or elected returning officer of any district for which he may intend to offer himself as a candidate to represent such district in parliament, it shall and may be lawful for any such magistrate, on giving notice to the sheriff or sheriffs of the county wherein such district shall be situate, and paying a fine of £200 to such sheriff or sheriffs for the use of the poor of the several parishes hamlets villages chapelries townships or other divisions within the district whereof he shall be so chosen or elected such returning officer, and to be paid by such sheriff or sheriffs to the respective overseers of the poor thereof, to decline to act as such returning officer on such election; and every such sheriff or sheriffs on the receipt of such notice, and also when and as often as any vacancy shall occur in the office of returning officer in any district within the bailiwick or jurisdiction of such sheriff or sheriffs by reason of the death of such returning officer, or by any such returning officer becoming a peer of the realm, or a clerk in orders or otherwise, shall forthwith cause good and sufficient notices thereof to be given to the respective churchwardens chapelwardens and overseers of the poor of the several parishes hamlets villages chapelries townships and other divisions within such district, commanding them to meet at some time to be mentioned in such notices, and at the usual place of such meeting, to be also mentioned in such notices, for the purpose of electing some other such magistrate as and for the returning officer of such district, and such churchwardens chapelwardens and overseers of the poor shall accordingly meet in pursu-

ance of such notices and shall proceed to the election of some other such magistrate as and for such returning officer in like manner as is hereby prescribed and directed for the annual election of such returning officers; and any such magistrate so elected at such meeting shall serve as such returning officer for the current year of such election, and until some other person shall be duly chosen as hereinbefore provided as such returning officer.

Sheriff to issue Precept to elect on Monday next, after two clear Days Notice.

And be it further Enacted, That from and after the termination of this present parliament the sheriff or sheriffs of each and every county throughout England and Wales shall forthwith, on the receipt of any such writ or writs as aforesaid for the election and return of any member or members for any district or districts within his or their bailiwick or jurisdiction, make out, and within three days from the time of the receipt of the said writ deliver, his or their precept or precepts under his or their seal or seals to the returning officer of each and every district within the bailiwick of such sheriff or sheriffs for which such member or members shall be directed to be elected or returned, reciting the said writ and commanding such returning officer to proceed to such election and to make his election of the member or members who shall be chosen for such district, to such sheriff or sheriffs according to due course of law; and every such returning officer upon the back of the same precept shall indorse the day of his receipt thereof in the presence of the party of whom he received such precept, and shall within thirty-six hours then next following cause public notice to be given of the time and place of election, and shall proceed to election thereupon on the Monday next after two clear days, whereof Sunday may be one, from the time of giving such notice.

And be it further Enacted, That besides the public notice to be given as aforesaid, it shall be the duty of every returning officer of every district, and they are hereby required respectively as soon after the receipt of such precept respectively is received as conveniently may be, and not later in any case than by twelve o'clock at noon on the Saturday next preceding the day of election, to cause public notices in writing to be affixed in some conspicuous part on the principal door of every church or chapel, and also on the market place, or if none then on some other most conspicuous place within every parish township chapelry hamlet or other place within the district whereof they shall be such returning officers respectively, stating the time and place of holding such election, and the places, if more than at the place of holding such election as hereinafter provided, where any votes within such district may be tendered and recorded, and shall for that purpose use the several forms contained in the schedule hereunto annexed marked (B) as the same may be applicable to such purpose.

Public Notices to be affixed on all Churches and Market Places.

And be it further Enacted, That from and after the termination of this present parliament the right of election of a member or members to serve in parliament for such several districts in England and Wales as aforesaid respectively, shall be and is hereby declared to be in the inhabitant householders within such districts respectively who shall have been *bona fide rated* to the church or poor within such district respectively, or shall have been assessed towards and shall have paid any direct public taxes within such districts respectively for six calendar months previous to the first day of election, not having for such time received alms or charity in the way of parochial relief, and in none others, except as is

Right of Voting.

hereinafter particularly provided; and that from thenceforth it shall and may be lawful to and for every such inhabitant householder within any such district as aforesaid, who shall at any election for a member or members to serve in parliament for such district be of the age of twenty-one years, to vote for such member or members at such election: Provided nevertheless, that no person or persons shall be entitled to vote at such election who would be disqualified from voting at elections of members to serve in parliament according to the laws now in force respecting the disqualification of any person or persons to vote in the election of any members to serve at this present time in parliament, except persons professing the roman catholic religion, who are hereby declared to be entitled to vote at such elections; and the returning officer for the time being of every such district as aforesaid to whom the return of every writ or precept for the election of any member or members to serve in parliament for any such district shall belong, shall return to the sheriff or sheriffs of the county wherein such district shall be situate the person or person to serve in parliament for such district who shall have the major number of such votes within such district, not being disqualified from voting as aforesaid.

[Oaths to be taken.

And be it further Enacted, That every person or persons before he or they is or are admitted to poll at any such election as aforesaid, shall, if duly required so to do, take and subscribe all the several oaths and make all the several affirmations and declarations directed by the laws now in force to be taken and subscribed and made by persons voting in the election of burgesses to serve in parliament at this present time, as far as the same may be applicable to such person or persons respectively, excepting only

the oath generally called the oath of supremacy, and the declaration generally called the declaration of test, and such oaths and declarations as relate to the roman catholic religion; and every inhabitant householder before he is admitted to poll at any such election shall, in addition thereto, if required by any candidate at such election or any person having a right to vote at such election, first take the oath, or, being a quaker, the solemn affirmation following; that is to say,

" I, *A. B.* (*signifying his trade or profession*) do
" swear (*or*, solemnly affirm) that I am an inhabi-
" tant householder of this district, and that the
" place of my abode is at in the
" parish (*or*, hamlet, &c. *as the case may be*) of
" (*stating his place of residence*) in this dis-
" trict, and that I have for the space of six months
" immediately previous to this election, to the
" best of my knowledge and belief, been rated to
" the relief of the poor of the said parish (*or*, ham-
" let, &c.) of in this district, or have
" been assessed towards and have paid direct pub-
" lic taxes within the said parish (or hamlet, &c.)
" and that I am twenty-one years of age to the best
" of my knowledge and belief, and have not be-
" fore been polled at this election for this district."

Which oath or solemn affirmation the returning officer of such election, or his deputy or any poll clerk, or person taking the poll, shall be and are hereby authorized and empowered and required to administer.

Persons now entitled to vote for any Borough, &c. to be entitled to vote for Life.

Provided always, and be it further Enacted, That any person or persons who may now have, or who shall before the termination of this present parliament acquire, a

perfect right to vote in the election of any citizen burgess or baron to serve in parliament for any city borough town cinque port or other place now sending members to parliament, shall after the termination of this present parliament be entitled to vote in respect of such right of voting now had or before the termination of this present parliament acquired, and so long as such right shall continue vested in such person or persons, in the election of a member or members to serve in parliament for the district, or districts if more than one, wherein such city borough town cinque port or other place shall be situate, although such person or persons shall not be an inhabitant householder or inhabitants householders qualified to vote at such election or elections; any thing herein contained to the contrary notwithstanding: And such person or persons, before he or they is or are admitted to poll at any such election, shall, if required by any candidate or any person having a right to vote at such election, first take the oath, or being a quaker, make the solemn affirmation following; that is to say,

Oath to be taken.

" I, *A. B.*, (*mentioning his trade or profession*) do
" swear (*or* solemnly affirm) that I reside at (*men-*
" *tioning his place of residence*) and that I had on
" the day of (*mentioning the day*
" *on which this present parliament shall terminate*)
" a perfect right to vote in the election of bur-
" gesses (*or*, citizens, &c.) to serve in parliament
" for the borough (*or*, town, &c. *as the case may*
" *be*) of (*stating the* borough *or* town)
" as a (*stating the right of voting*) and that such
" right still remains vested in me to the best of
" my knowledge and belief; and that I have not be-
" fore been polled at this election for this district."

And be it further Enacted, That the election for each and every of the said districts shall be had and held at such place and places within the said districts respectively as are put and placed opposite to the said several districts respectively in the said schedule hereto annexed marked (A) and named in the said schedule as the place of holding such elections respectively, and in no other place or places except in the case of any extraordinary and urgent necessity; and such elections shall respectively commence before the hour of twelve o'clock at noon on the first day of such elections respectively, and shall be proceeded in and conducted in all respects as elections for any burgess or burgesses for any borough or other place are now by law directed to be proceeded in and conducted, except as herein is particularly otherwise provided and enacted: Provided nevertheless, that when any poll shall be demanded at any such election, such poll shall commence on the day on which it shall be demanded, or on the next day at farthest, and shall be duly and regularly proceeded in from day to day, and shall be kept open for eight hours at the least in each day, except the day of demanding the same, between the hours of seven in the morning and eight in the evening, till the same be finished, but so that no election shall continue more than six days at most, including the first day, and so that every poll shall be finally closed at or before the hour of three in the afternoon of the Saturday next after the first commencement of the said elections; and the returning officer at every such election shall immediately or as soon as conveniently may be, and within one hour after the final close of the poll if kept open till the sixth day, truly fairly and publicly declare the name or names of the person or persons who have the majority of votes on such poll, and shall forthwith make a return of such person or persons, unless such returning officer, upon scrutiny being demanded by any candidate or any

Place of Election and Duration of Poll.

two or more electors, shall deem it [illegible] to grant the same, in which case the same shall be proceeded in according to the laws now in force relating to the election of members to serve in parliament at this present time.

Proper Places to be provided for polling in.

And be it further Enacted, That at every such election the returning officer shall appoint make hire or erect, or cause to be appointed made hired or erected, such numbers of convenient booths or polling places separate and distinct from each other, not being fewer in districts where one member shall be directed to be returned than four, and in districts where two members shall be directed to be returned not being fewer than eight, as shall seem to him necessary and convenient, with good and free separate access thereto respectively, for taking the poll without tumult or confusion, which said booths or polling places shall be used respectively for taking the poll according to the alphabetical order of the names of the voters; and such returning officer shall affix or cause to be affixed on the most public part on the outside of each of the said booths or polling places the letter or letters for which such booth or polling place shall be allotted or designed, and a sufficient notification of the intent thereof, and all voters shall tender and give their votes only at such booth or polling place as shall be allotted or designed for the letter wherewith the surname of such voter respectively shall commence, excepting in the case hereinafter provided for; and such returning officer shall appoint or cause to be appointed a proper clerk or clerks at each of the said booths or polling places to take the poll (which said clerk or clerks shall be paid such reasonable sum not exceeding one guinea per day each clerk) as shall appear fit and proper to such returning officer; and the said returning officer shall also

give notice in writing before the commencement of the poll, to each and every of the candidates or their agents at such election, of the situation of all booths or polling places so appointed made hired or erected, and immediately on the increase of any such booths and polling places, of such additional booths and polling places, and of the letters to which each of such booths or polling places is allotted or designed.

Overseers to make and send Lists of Persons rated.

And be it further Enacted, That the churchwardens chapelwardens and overseers of the poor respectively of every parish hamlet chapelry township or other division having separate church or chapelwardens or separate overseers of the poor within any such district, shall respectively, and they are hereby required within one fortnight next after the publication of any and all poor or church or chapel rate or rates for such parish hamlet chapelry or township, to make out and deliver at the dwelling house of the returning officer or at the office appointed for executing the duties of returning officer of such district, an alphabetical list or lists containing in alphabetical arrangement the surname of every person rated in such rate or rates to the church or poor respectively within such parish hamlet chapelry township or other division, together with the Christian name if known and the place of abode of every such person within such parish hamlet chapelry or township; and every collector of assessed taxes collecting any such taxes within any part of such district shall within one fortnight next after the receipt of any warrant to collect such taxes, make out and deliver at the dwelling house of such returning officer or at such office as aforesaid, an alphabetical list or lists containing in alphabetical arrangement the surname of every person from whom such collector shall be directed, in and by such warrant, to collect or levy any

such taxes within any part of such district, together with the Christian name if known and the place of abode of every such person within such district; and every returning officer of such district shall upon any election to be held for such district deliver or cause to be delivered copies, to each and every poll clerk appointed by such returning officer of such district, of such part of such alphabetical lists respectively as shall contain the names of persons whose names commence with any letters for which the booth or polling place for which such poll clerk to whom the same shall be delivered shall be appointed shall be allotted or designed; and in case of any dispute as to any vote at any such election, the poll clerk to whom any vote shall be tendered at such election, shall, if required by any candidate or agent or by any elector, refer to such list, and if the name of the person tendering such vote shall not appear in such copy or copies of such lists or any of them, then such vote so tendered shall not be received by such poll clerk without a written or other authority, as hereinafter provided, from the returning officer at such election, after investigating such vote, to receive the same: Provided always, that nothing herein contained shall be construed to give power to any poll clerk or poll clerks to decide on any objection taken to any vote, other than the name of the voter tendering such vote not being contained in any such list or lists.

In Districts consisting of more than one Parish where Voters reside more than Five Miles from place of election, Votes may be tendered to Overseers of the Parish where Voters are resident.

And for the purpose of lessening the expense of elections, and for the greater convenience of voters, Be it further Enacted, That in any district consisting of more than one parish hamlet chapelry township or other division for which there shall be separate overseers of the poor, and wherein any part of such district shall be

more than five miles distant by the direct and nearest horse or carriage road from the place at which the election shall be directed to be held, it shall be lawful for any person or persons having a right to vote at any election of a member or members to serve in parliament for such district and residing above five miles from the place of such election, to tender his and their vote and votes for such district, if he or they shall be willing so to do, to the overseers of the poor of such parish hamlet chapelry township or other division within such district wherein he or they shall be a householder or householders, or to some one or more of such overseers or to their sufficient deputy appointed for that purpose, as hereinafter provided, at such time and place as shall be appointed for receiving such votes, as hereinafter provided; and all votes so tendered shall be received and recorded by the overseer or overseers or their sufficient deputy to whom the same shall be tendered in manner hereinafter provided, and shall be as good and valid for the candidate or person for whom the same shall be tendered, to all intents and purposes, as if such votes had been tendered and received at the poll taken at the principal place of holding such election: Provided nevertheless, that nothing herein contained shall be construed to prevent any person or persons having a right to vote at such election from voting at the principal place of holding such election, if he or they shall think proper so to do in preference to voting at such parish hamlet chapelry township or other division poll.

Returning Officers to give Notice to the Overseers to attend to take Votes in some Place appointed by the Returning Officer.

And be it further Enacted, That when the returning officer of any district consisting of more than one parish hamlet chapelry township or other division for which there shall be separate overseers of the poor, and wherein any part of such district

shall be more than five miles distant by the direct and nearest horse and carriage road from the place at which the election shall be directed to be held, shall receive any such precept as aforesaid requiring such returning officer to proceed to the election of a member or members to serve in parliament for such district, such returning officer shall within forty-eight hours next following the receipt of such precept give notice in writing of such precept to the overseers of the poor, or any two of them, of each and every parish hamlet chapelry township or other division within such district having such separate overseers, whereof any part shall be more than such five miles distant from the place at which such election shall be directed to be held, and shall require the overseers of each and every such parish hamlet chapelry township or other division respectively to meet on the Tuesday next after the first day of election appointed for such district by nine o'clock in the morning, in the vestry-room or other more convenient place to be named by such returning officer, in each and every such parish hamlet chapelry township or other division respectively, there to receive by themselves or their sufficient deputy the vote or votes of any person or persons having a right to vote at such election, residing in such parish hamlet chapelry township or other division respectively above five miles from the place of election for such district, who shall be desirous of tendering his or their vote or votes to be there received for such election; and the several overseers of each and every such parish hamlet chapelry township or other division, or some one or more from each and every such parish hamlet chapelry township or other division, in pursuance of such notices (under the penalty of to be paid by each and every of them who shall make default therein, to be paid to the poor of such parish hamlet chapelry township or other division in case one or more of such overseers respectively shall not attend accordingly,)

shall attend at the time and places respectively appointed in and by such notices, and shall then and there by themselves or some one or more of them, or by their sufficient deputy which they or those of them attending respectively are empowered to appoint, and open a poll for such parish hamlet chapelry township or other division for the reception of all such votes so to be tendered as aforesaid; which said poll shall be kept open for the purpose aforesaid for the space of five hours at the least from the hour of nine o'clock in the morning for three days then next following, exclusive of the first day of such poll, provided the poll at the principal place of election for such district shall be so long kept open and not longer, and if such poll at the principal place of election shall be closed, or if all the persons entitled to vote at such election and residing in any such parish hamlet chapelry township or other division above five miles from the place of election for such district shall have been polled before the end of such three days, then the poll so taken before such overseers or their deputies respectively shall be closed as soon as the person taking any such poll shall receive sufficient notice or information of the closing of such principal poll, or that all such persons have been polled; and such overseers respectively or their deputy taking any such poll as aforesaid shall on the daily close of such poll and immediately after the close thereof transmit the amount of the number of votes tendered to and received by such persons respectively in the course of such days poll for each and every candidate at such election, and at the final close of such poll shall transmit the original poll so taken for such parish hamlet chapelry township or other division, with the account of the numbers thereof, to the returning officer of the district wherein such parish hamlet chapelry township or other division shall be situate, by some messenger or messengers specially appointed by

such overseers respectively for such purpose, who shall with all possible expedition convey the same; and if any person or persons shall molest obstruct or assault such messenger or messengers in the due execution of his or their duty in conveying such parish hamlet chapelry township or other division poll, or the account thereof as aforesaid, such person or persons being thereof lawfully convicted shall be liable to be imprisoned for any time not less than months, as the court before whom such person or persons shall be convicted shall think proper; and every returning officer, on the receipt of the account and amount of any such parish hamlet chapelry township and other division poll, shall accordingly add such numbers as shall have voted at such parish hamlet chapelry township or other division poll for any candidate or candidates at such election to the numbers appearing on the principal poll taken at the place of such election for such candidate or candidates respectively.

Overseers or their Deputy shall have same Power as Returning Officers.

And be it further Enacted, That any overseer or overseers, or their deputy, before whom any such parish hamlet chapelry township or other division poll as aforesaid shall be taken, shall have all the same powers and authorities in taking such poll as shall by law appertain to, and shall take and have power to administer the same oaths as by law are and shall be directed to be taken and administered by any returning officer of any such district as aforesaid; save and except that if any dispute shall arise as to the validity of any vote tendered to any overseer or overseers or their deputy, objected to by any candidate or candidates at any such election, or by his or their agent or agents, or by any two or more persons having right to vote at such election, on any objection stated in writing

by the person or persons so objecting, such overseer or overseers or deputy shall not receive or record such vote, but the question of the admissibility of such vote shall be referred to the returning officer of such district to whom the same may be again tendered at the place of holding such election, and who shall decide in some convenient place (to be appointed by him for that purpose on or before the first day of election) all disputes whether arising at the principal place of election or at any parish hamlet chapelry township or other division poll relating to votes tendered at such election; and if on investigating any such disputes such returning officer shall be of opinion that any such votes so objected to ought to be received, then such returning officer shall give a written authority to the proper poll clerk for receiving such vote, or shall personally direct such proper poll clerk to receive the same; upon which no further objection shall be made to such vote, but the same shall be immediately received.

For remunerating Overseers' Deputy, and Messenger.

And be it further Enacted, That for the remuneration of any deputy and of any messenger or messengers to be appointed by any such overseers to take such parish hamlet chapelry township or other division poll and to convey such poll and account, there shall be paid by such overseers respectively to every such deputy the sum of half a guinea for each and every day such parish hamlet chapelry township or other division poll shall be kept open, and to the messenger or messengers such sum or sums of money as shall appear to such overseers a reasonable and fair remuneration to such messenger or messengers for their trouble and the expenses attending the conveyance of such poll and accounts; which several sums of money shall be paid by such overseers or any of

them out of and charged upon the poor rates of such parish hamlet chapelry township or other division and included in the accounts of such overseers respectively.

Remuneration to Deputy returning Officers.

And whereas it would be necessary to make some provision for the remuneration of the deputies of returning officers; but it would be desirable that such remuneration should be limited to such reasonable and proper amount as would not exceed a fair and adequate remuneration, for the trouble attendant on the situation of any such deputy returning officer; Be it therefore further Enacted, That there shall and may be paid to the deputy of any returning officer of any such district such sum and sums of money, for the several acts and things provided and directed to be done by such deputy returning officer by this act for and towards the holding and conducting of any such election, as the court of quarter sessions for the county wherein any such district shall be situate shall direct and appoint, upon a table of fees to be presented to such court of quarter sessions by the clerk of the peace for such county at the Midsummer quarter sessions for such county in each and every year: Provided nevertheless, that nothing herein contained shall be construed to permit any such court of quarter sessions to grant any fee or remuneration whatsoever to any magistrate being such returning officer as aforesaid, but every such magistrate shall perform the duties of such office without any fee reward or remuneration whatsoever.

How Expenses to be defrayed.

And whereas it is just and right that those who have the benefit of an election should pay the expenses attendant thereon; Be it therefore further Enacted, That all the expenses of any election, as well the reasonable and necessary expenses

incurred in providing or erecting polling places and procuring and paying poll clerks and other persons employed therein, as any other expenses authorized by this act and necessarily attendant on such election, shall be borne and paid out of the poors rates of the several parishes hamlets villages chapelries townships and other divisions in the district for which such election shall be held, and shall be paid by the overseers of such parishes hamlets villages chapelries townships and other divisions out of the poors rates of the same to the returning officer or his deputy, in such fair and rateable proportions in proportion to the amount of the poors rates of such parishes hamlets villages chapelries townships and other divisions respectively on a rack rent, as near as the same can be ascertained, as such returning officer and any other magistrate of the county wherein such district shall be situate, by warrant under their own proper hands and seals directed to the overseers of such parishes hamlets villages chapelries townships and other divisions respectively, shall direct and appoint.

Sheriff to appoint more than one Booth if necessary in each Hundred

And whereas it would be desirable to reduce as far as possible the expense of county elections; Be It therefore further Enacted, for the more easy taking of the poll and preventing confusion at county elections, That from and after the termination of this present parliament, at every election of a knight or knights of the shire to serve in parliament for any county within England or Wales, the sheriff or sheriffs of such county, or in his or their absence the under-sheriff or such as he shall depute, shall and he and they are hereby required, without request by any candidate, on the taking of any poll on such election to make erect or hire and appoint or cause to be made erected or hired and appointed at the principal place of holding such election, such number of booths or poll-

ing places separate and distinct from each other, and not being in any case fewer than the number of hundreds rapes lathes wapentakes wards or other divisions in such county, but more if they shall be required, as shall seem to him necessary and convenient, with good and free access thereto respectively for taking such poll without tumult or confusion; and shall appoint a proper clerk or clerks at each of the said booths or polling places to take the poll, who shall be paid not exceeding one guinea per day each clerk; and which said booths or polling places and clerks may be increased if necessary during such election, and which said booths and polling places shall be used respectively in like manner; and lists for each of such booths or polling places shall be made out and copies thereof delivered in like manner as is now directed for booths or polling places erected for taking the poll in county elections under and by virtue of the laws now in force.

Poll to be open in Counties only Ten Days.

And be it further Enacted, That no poll taken for any county for the election of a knight or knights of the shire shall after the termination of this present parliament be kept open longer than ten days exclusive of the first day of such election, and if it shall continue open to the tenth day then such poll shall be finally closed at or before three o'clock on such tenth day in like manner as such polls are now required by law to be closed on the fifteenth day of such polls.

Freeholders of Forty Shillings in Towns which are Counties to vote for County Members.

And be it further Enacted, That from and after the termination of this present parliament every freeholder who shall have any freehold estate in any lands tenements or hereditaments of the clear yearly value of forty shillings over and above

all rents and charges payable out of or in respect of the same, lying within any city borough town or other place in England or Wales which is a county of itself, shall be entitled to vote at all elections for knights of the shire to serve in parliament for the county at large within which such city borough town or other place which is a county of itself shall be situate; and such freeholders before they are admitted to poll shall if required take the like oaths as other freeholders for counties are now by law required to take.

Leaseholders to vote in Counties.

And be it further Enacted, That from and after the termination of this present parliament, every person who shall hold any lands or tenements of the clear yearly value of forty shillings over and above all rents and charges payable out of or in respect of the same under or by virtue of any lease or leases, or for any term of years, which lease or leases shall be renewable from time to time for ever at the will of the lessee, and every person who shall hold any lands or tenements of the clear yearly value of forty shillings over and above all rents and charges payable out of the same under and by virtue of any lease or leases for any term of years whereof not less than twenty-one shall be to come and unexpired at the time of such person tendering his vote, shall be entitled to vote for the knights of the shire of that county within which lands or hereditaments are respectively situated; and every such person before he is admitted to poll shall, if required by the candidates or any of them, or any other person having a right to vote at the said election, first take the oath (or, being one of the persons called quakers, the solemn affirmation) following; videlicet,

"You shall swear, (*or, being one of the people called "Quakers, shall* solemnly affirm) that you are a

" leaseholder in the county of , and
" have a leasehold estate for a term of years
" renewable for ever at the will of the lessee, or
" whereof 21 years are yet to come and unexpired,
" consisting of (*stating the description of the pre-*
" *mises,*) and that you have been in the actual
" possession or receipt of the rents or profits
" thereof for your own use above twelve calendar
" months, or that the same came to you by descent,
" marriage, marriage settlement, *or* devise, and
" that such leasehold estate has not been granted
" assigned or made to you fraudulently, on pur-
" pose to qualify you to give your vote, and that
" the place of your abode is at
" in and that you are
" twenty-one years of age, as you believe, and
" that you have not been polled before at this
" election."

Copyholders to vote in Counties.

And be it further Enacted, That from and after the termination of this present parliament, every person who shall hold any lands tenements or hereditaments by copy of court roll of the clear yearly value of forty shillings over and above all rents and charges payable out of or in respect of the same, shall be entitled to vote at any election for the knights of the shire to serve in parliament for the county within which such lands tenements or hereditaments are respectively situated, and shall take the like oaths and affirmations with freeholders voting at such elections, excepting that the words Copyholder and Copyhold shall be used respectively by such copyholders, in lieu of the words Freeholder and Freehold in such oaths or affirmations.

And for the purpose of lessening the expense of electors of knights of the shire for the several counties of England and Wales, and for the greater convenience of voters, Be it further Enacted, That it shall and may be lawful for any person having a right to vote, at any election of a knight of the shire or knights of the shire to serve in parliament for any counties in England or Wales, to tender his vote, if he shall be willing so to do, to the high constable or constables or other principal peace officer for the time being of the hundred half hundred rape lathe wapentake ward or other division within such county wherein the property in respect of which such person shall be entitled to vote shall be situate, or to his or their sufficient deputy appointed for that purpose, at such time and place as shall be appointed for receiving such votes as hereinafter provided; and all votes so tendered shall be received and recorded by such high constable or constables or other principal peace officer or his or their sufficient deputy to whom the same shall be tendered, in manner hereinafter provided, and shall be as good and valid for the candidate or person for whom the same shall be tendered, to all intents and purposes, as if such votes had been tendered and received at the principal place of holding the election for such county: Provided nevertheless, that nothing herein contained shall be construed to prevent any person whomsoever, having a right to vote at such election, from voting at the principal place of holding such election, if he shall think proper so to do, in preference to voting at such place as shall be appointed for that purpose within such hundred half hundred rape lathe wapentake ward or other division as aforesaid.

In Counties Votes may be tendered to the High Constables of Hundreds &c. or their Deputies at such Place as shall be appointed; but any Person who prefers it, to be entitled to vote at the principal Place of Election.

Sheriff to issue Precept to High Constable to take Votes tendered within their respective Hundreds.

And be it further Enacted, That when the sheriff of any county in England or Wales shall receive any precept requiring such sheriff to proceed to the election of a knight or knights of the shire to serve in parliament for such county, such sheriff shall within two days next following the receipt of such precept give notice in writing of such precept to the high constable or high constables or other principal peace officer or officers for each and every hundred half hundred rape lathe wapentake ward or other division within such county, and shall require such high constable or constables or other principal peace officer to attend on the day next after the first day of election appointed for such county by nine o'clock in the morning at some convenient place within the hundred half hundred rape lathe wapentake ward or other division for which he or they shall be high constable or constables or other peace officer, to be named by such sheriff in such notice, there to receive by himself or themselves or his or their sufficient deputy the vote or votes of any person or persons, having right to vote at such election, who shall be desirous of tendering and entitled to tender his or their vote or votes to be there received for such election; and the high constable and constables or other principal peace officer of each and every such hundred half hundred lathe wapentake ward or other division, shall, in pursuance of such notice, giving good and sufficient notice throughout the hundred of the time and place appointed, to be given forthwith on the receipt of such requisition, attend at the time and place respectively appointed in and by such notices, and shall then and there by himself or themselves, or his or their sufficient deputy whom he or they is and are hereby empowered to appoint, open a poll for such hundred half hundred rape lathe wapentake ward or other division for the reception of all such

votes to be tendered as aforesaid, which said poll shall be kept open for the space of hours at the least from the hour of nine o'clock in the morning for five days then next following, exclusive of the first day of such poll, provided the poll at the principal place of election for such county shall be so long kept open, and no longer; and if such poll at the principal place of election for such county shall be closed, or if all the persons entitled to vote at such election in respect of any property within any such hundred half hundred rape lathe wapentake ward or other division, or so many as shall desire so to do, shall have been polled before the end of such five days, then the poll so to be taken before such high constables or other principal peace officers respectively or their respective deputies shall be closed as soon as the person taking any such poll shall receive sufficient notice or information of the closing of such principal poll, or that all such persons so entitled and desirous to vote as aforesaid have been polled; and such high constables or other peace officers respectively or their respective deputies taking any such poll as aforesaid shall on the daily close of such poll and immediately after the close thereof transmit the amount of the numbers of votes tendered and received by such persons respectively in the course of each day's poll for each and every candidate at such election, and at the final close of such poll shall transmit the original poll so taken for such hundred half hundred rape lathe wapentake ward or other division, with the account of the numbers thereof, to the sheriff of the county wherein such hundred half hundred rape lathe wapentake ward or other division shall be situate, by some messenger or messengers specially appointed by such high constables or other principal peace officers respectively for such purpose, who shall with all possible expedition convey the same; and if any person or persons shall molest obstruct or assault such messenger or messengers in the

due execution of his or their duty in the conveyance of such hundred half hundred rape lathe wapentake ward or other division poll or the account thereof as aforesaid, such person or persons being lawfully convicted thereof shall be liable to be imprisoned for any time not less than months, as the court before whom such person or persons shall be convicted shall think proper; and every sheriff on receipt of the account and amount of any such hundred half hundred rape lathe wapentake ward or other division poll shall accordingly add such numbers as shall have voted at such hundred half hundred rape lathe wapentake ward or other division poll for any candidate or candidates at such election to the numbers appearing on the principal poll taken at the place of such election for such candidate or candidates respectively.

High Constables to take the same Oaths and have the same Power as Returning Officers, except as to disputed Votes.

And be it further Enacted, That every high constable or constables or other peace officer or their deputy before whom any such last mentioned poll as aforesaid shall be taken, shall have and shall be bound by all the same powers and authorities in taking such poll as shall by law appertain to, and shall take and have power to administer the same oaths as by law are and shall be directed to be taken and administered, on such election, by the sheriff of the county wherein such hundred half hundred rape lathe wapentake ward or other division shall be situate; save and except that if any dispute shall arise as to the validity of any vote tendered to any such high constable or constables or other principal peace officer or their deputy, objected to by any candidate or candidates at any such election, or by his or their agent or agents, or by any two or more persons having right to vote at such election, on any reasonable ground stated by the person or persons so objecting, such high constable or constables or other principal peace officer or

his or their deputy shall not receive or record such vote, but the question of the admissibility of such vote shall be referred to the sheriff of such county, to whom the same may be again tendered at the principal place of holding such election, who shall decide all disputes relating to votes tendered at such election, and if on investigating any such disputes such sheriff shall be of opinion that any such votes so objected to ought to be received, then such sheriff shall give a written authority to the proper poll clerk for receiving such vote, or shall personally direct such proper poll clerk to receive the same, upon which no farther objection shall be made to such vote, but the same shall be immediately received.

For remunerating High Constables, Deputies, and Messengers.

And be it further Enacted, That for the remuneration of any high constable or other peace officer or any deputy of such high constable or other peace officer taking such last-mentioned poll in any county, and of any messenger or messengers to be appointed by any such high constable or other peace officer to convey such poll and accounts, there shall be paid by the sheriff of such county to every such high constable or other peace officer or his deputy taking such poll the sum of one guinea for each and every day such poll shall be kept open, together with the reasonable expense, if any, attendant upon giving notice of such poll and procuring a fit and proper place to take such poll in, and to the messenger or messengers such sum or sums of money as shall appear to such sheriff a reasonable and fair remuneration to such messenger or messengers for their trouble and the expenses attending the conveyance of such poll and accounts; which several sums of money shall be paid by such sheriff, and reimbursed to him in manner hereinafter provided.

How Expenses to be defrayed.

And be it further Enacted, That all the expenses of any election for a knight or knights of the shire to serve in parliament for any county in England and Wales, as well the reasonable and necessary expenses incurred in providing or erecting booths and polling places as well in the several hundreds half hundreds rapes lathes wapentakes wards and other divisions as in the principal place of holding such election, and of procuring and paying poll clerks and other persons employed therein, as any other expenses thereof authorized by this act and necessarily attendant on such election, shall be borne and paid out of the county rate of the county for which such election shall be held, and shall be paid by the clerk of the peace or treasurer of such county to the sheriff of such county, on demand thereof, out of the county rate of such county; and in default of payment thereof one month after such demand, such sheriff may recover the amount thereof by action of debt or assumpsit in any of his Majesty's courts at Westminster, to be brought against the clerk of the peace or treasurer of such county, in which it shall be lawful for such sheriff to lay the venue either in the same or some neighbouring county, and in case such sheriff shall recover the full amount demanded of such clerk of the peace or treasurer, then such sheriff shall also recover and be paid double costs of suit.

1 Geo. 1. c. 38. Repealed; and Parliaments to be Triennial.

And whereas in and by an act of parliament made in the first year of the reign of his late Majesty King George the First, intituled, "An Act for enlarging the time of continuance of Parliaments appointed by an Act made in the sixth year of the reign of King William and Queen Mary, intituled, An Act for the frequent meeting and calling of Parliaments," it was enacted,

that the then present parliament, and all parliaments that should at any time thereafter be called assembled or held, should and might respectively have continuance for seven years and no longer, to be accounted as therein mentioned: And whereas the frequent meetings and callings of fresh parliaments tend to the promotion of the independence of parliament and the happy union and good agreement of the king and people; and it is therefore expedient that the time of continuance of parliaments should be shortened; Be it therefore Enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in parliament assembled, that the said Act, intituled, "An Act for enlarging the time of continuance of parliaments appointed by an Act made in the sixth year of the reign of King William and Queen Mary, intituled, an Act for the frequent meetings and callings of parliaments," shall be and the same is hereby wholly Repealed and declared to be null and void to all intents and purposes whatsoever as if the said Act had never been had or made, and that from henceforth and from and after the dissolution or expiration of this present parliament, no parliament whatsoever that shall at any time hereafter be called assembled or held, shall have any continuance longer than for three years only at the furthest, to be accounted from the day on which by the writs of summons the said parliament shall be appointed to meet.

And be it further Enacted, That this present parliament shall cease and determine on the day of which will be in the year of our Lord unless previously dissolved by the King's Most Excellent Majesty. Present Parliament to expire on

Oath to be taken by Candidate.

And be it further Enacted, That before any person can be returned to sit in parliament for any county shire or district within England or Wales, he shall take and subscribe the oath following, and which he shall repeat and again subscribe at the table of the House of Commons before he is admitted to take his seat:

"I, *A. B.* do swear (*or* affirm) that I have not, "directly or indirectly, given or offered, or pro- "mised to give procure or allow, and will not "give or offer or promise to give procure or allow, "by myself or any other person, and have not "directly or indirectly authorized, and will not "authorize any other person for me or on my "behalf, either directly or indirectly, to give or "offer, or to promise to give procure or allow "any sum of money place office or employ- "ment gift or reward, or any promise or security, "or the hope or expectation of any money office "or employment or gift, to any person entitled or "claiming to vote at this election, or to any per- "son for or in trust for him or any of his family, in "order to influence his vote at this election."

Which oath the proper officer to whom the return of any writ or precept for such election shall belong, or his deputies, are required to administer, under a penalty of five hundred pounds for omitting so to do, such penalty to be recoverable in any of His Majesty's courts of record at Westminster by any person having a right to vote for such place; and in case any person taking the said oath shall therein commit perjury and shall thereof be convicted by due course of law, such person shall incur and suffer the pains and penalties which by law are enacted or inflicted in cases of wilful and corrupt perjury.

And be it further Enacted, That every person or persons who shall be convicted, by the evidence of two witnesses, of having given or offered or of having promised to give or allow any sum or sums of money office or employment, to any person whomsoever, in order to influence the vote of any elector or his choice of a person to serve as a member in the high court of parliament, shall be held to be guilty of bribery, and be subject to all the pains and penalties enacted or inflicted in cases of bribery, and shall suffer all the pains and penalties disabilities and disqualifications now inflicted and attendant on persons proved to be guilty of bribery at elections of members to serve in parliament.

Persons guilty of Bribery, and convicted by two persons, to suffer all the Penalties, &c. now inflicted by Law.

And be it further Enacted, That no ambassador or other person whomsoever having or accepting any office commission or employment under His Majesty, whether civil or military, the duties whereof shall be executed out of the United Kingdom, shall be capable of being elected or of sitting or voting as a member of the house of commons in any parliament which shall be hereafter summoned and holden; and if any person who shall be elected to serve as a member of the house of commons in any parliament which shall be hereafter summoned and holden shall during such time as he shall continue a member accept or take any such office commission or employment, his election shall be and is hereby declared to be void, and the seat of such person shall be thereby immediately vacated, and a new writ shall issue for a new election in the room of such person as if such person so accepting was naturally dead.

Ambassadors, &c. to be incompetent to sit in Parliament.

Statutes now in force relative to Elections, continued.

And be it further Enacted, That all statutes now in force touching or concerning the qualification election or return of knights of the shire or of burgesses to serve in the high court of parliament, shall be held to extend and the same are hereby declared to extend to the qualification election and return of knights of the shire and members to be elected and chosen to serve in the said high court of parliament under or by virtue of this act, so far as the provisions of the said statutes shall be applicable to the same, and in so far as they are not varied or altered or repealed by the present Act.

And be it further Enacted, That this Act and the provisions thereof shall extend to that part of the United Kingdom called England and Wales, and no further.

Schedule (A.)

A SCHEDULE containing the several Districts throughout *England* and *Wales*, to return hereafter One or more Members to serve in the Commons House of Parliament.

County within which the District is situated, and to the Sheriff of which the Writ to issue.	Name of District.	Parishes and Places comprized in such District.	Place of Election.	Number of Members to be returned.

Schedule (B.)

A SCHEDULE containing the Form of Notices to be given of the Time and Place of holding Elections, to be affixed on Churches, &c.

No. 1.

A General Notice of the Time and Place of Election in Districts where no Votes are to be tendered to Overseers.

Election of a Member to serve in Parliament for the District of

NOTICE is hereby given, That an Election of a Member to serve in Parliament for this District, will be held on Monday next, the day of at the *(naming the place of election)* at the hour of Nine o'clock in the Morning. Dated this day of

A. B. Returning Officer.

No. 2.

Form of Notice to be added to the above in Districts where Votes are to be tendered to Overseers of Parishes.

And NOTICE is hereby further given, That any Persons residing within the several Parishes *(or* Hamlets, &c. *naming the Parishes, &c. of which any part is more than five miles from the principal place of election)* of who reside more than five miles from the said town of and who may be desirous of polling, without coming to the said town of may tender their votes to the Overseers of their said respective Parishes, Hamlets, &c. at the places hereunder written, and for that purpose appointed respectively, where such Votes will be respectively received. And the Overseers of the said Parishes, Hamlets, &c. are hereby respectively required to meet at such places accordingly, on Tuesday the day of at Nine o'clock in the Morning, to open a Poll to receive any such Votes. Dated this day of

A. B. Returning Officer.

PLACES for tendering Votes in the above Parishes, Hamlets, &c respectively

Parish of *A* - - Vestry Room of said Parish,
Hamlet of *B* - - School House at in said Hamlet,
Hamlet of *C* - - Huts to be erected at in said Hamlet

As the Returning Officer shall direct.

THE END

R. Barclay, Printer, Bolt Court, Fleet Street.

LORD JOHN RUSSELL

ON

REFORM IN PARLIAMENT.

SUBSTANCE

OF

THE SPEECH

DELIVERED

MAY 9, 1821.

MR. SPEAKER;

ALTHOUGH some circumstances occurred in this House a short time ago, discouraging to any person who means to bring forward propositions respecting Reform, yet I am bold enough to say, that I feel a considerable degree of confidence in proposing the measure which I shall this night submit to the House. At the same time, I am by no means blind to the difficulties and the importance of the task I have undertaken.

If it be true, as it undoubtedly is, that all governments depend ultimately upon opinion, it is no less true, that the government of England depends upon an opinion vigilant and enlightened, to a degree of which history gives no example. Above all, the eyes of the country are directed, in

a peculiar manner, to this House. The people look, as it were, with a microscope at all our acts, and seem to consider a vote of even a thousand pounds, in the course of the public expenditure, as a test by which the honesty of our intentions may be tried and appreciated. Instead of viewing us with any of that superstitious awe which authority formerly created—that sort of reverence which veils in mystery all the acts of government—a disposition exists which goes rather to deny us even those advantages which must inevitably be acquired by habits of business, and to refuse us credit for that superiority, which experience and the custom of deciding on great questions of state tend so manifestly to produce. But of all the subjects which can be brought forward in Parliament, the most serious are those which relate to the constitution of this House, because they operate in a particular manner, and are considered, in a peculiar degree, as tests of the disposition of the House to conduct the affairs of the country with integrity, and with a proper affection towards the people whom they profess to represent.

In stating the question of Reform this night, I will avoid the usual mode of proposing it to the House. The natural and customary practice is, to say that this House does not represent the people, and to refer to its various acts to show that its proceedings are not conformable with the opinion of the people at large. This way of stating the ques-

tion, although the best calculated for exciting the passions of an audience, is clearly very invidious, as it brings into immediate contrast the votes of the majority and minority of this House. It becomes necessary to argue, that those who form the majority of this House are in a minority in the country, and to claim, for the minority of this House, the honour of being followed by a majority in the country. Hence a contest necessarily arises upon the merits of party, which, on a great question of this kind, it is most desirable to avoid.

But although I mean to lay out of sight this view of the question I am bringing forward, I neither wish to deny nor to conceal that I am in principle a Reformer. When I say that I am in principle a Reformer, I thereby mean, that my deliberate opinion is, that this House ought to represent the people, but that it does not, in fact, do so. I can neither agree with the opinion of those, who think that all the proceedings of this House are in perfect conformity with the wishes of the people, nor with those, who hold that this House ought not to represent the people at large, but that it ought to display a sort of mixed representation — a representation of the Crown and of the House of Peers, and not of the great body of the people only. Having stated thus much, I shall go no farther in this beaten road of argument, but confine myself to an endeavour to prove, that there have prevailed such practices, that there have arisen such innovations — whether the effects are or are not at

present seen within these walls—as cannot but lead, at one time or other, to a dangerous discordance between the opinions of the country at large and the decisions of the House of Commons. I call on the House to check these practices, and to stop these innovations. I call on you to go no farther in a wrong path, but to interpose and prevent the system from being extended, whether these innovations have or have not any influence on the government.

The first object to which I wish to call the attention of the House is the practice of bribery and corruption. With respect to this practice, I think there cannot be two opinions in the House. All must agree, that it is at once highly criminal and exceedingly pernicious; and no doubt can be entertained that such practices do prevail to a very great extent. When I had the honour, a year ago, to move an address on this subject, I stated the fact, that it was a matter of common conversation in the House, that bribery and corruption prevailed in different parts of the kingdom, The noble lord opposite, who is considered the leader of that side of the House, did not venture to deny that bribery and corruption were known to exist to a great extent. He did not controvert the proposition; and he would have surprised the House, and even his own friends, if he had ventured so to do. As one proof of the open manner in which this corrupt system is carried on, I will relate an anecdote told by the late Mr. Sheridan. That gentleman, during an election, fell into conversation with

one of the voters. "I am," said he, "a friend to Reform." "I am glad you are for Reform," said the voter; "so am I—for I hear some gentlemen behave so ill, they will not give their poor voters a single guinea, and I think that should be reformed." It is well known, that in Cornwall this pernicious practice is carried on to the utmost extent. The general system adopted in the boroughs is for the electors to engage with some person in the neighbourhood as patron. He takes care of the interest of the town, assists the poor, and subscribes to some public work; and, for all this, he claims a seat for himself in the House of Commons, or for any person he may think proper to nominate; while the other seat is generally sold for a sum of money, which is divided, according to the bargain made, between the patron and the electors. That this is a practice quite common I believe no one will deny; nor do I suppose it will be denied, that such a practice is in every way injurious. The first evils it introduces amongst the people are drunkenness, idleness, and profligacy—a disregard of the sacred obligations and duties the constitution imposes on them—a love of feasting and dissipation—and a degree of ignorance and brutality, which every thinking man must deplore. The second is, that the interests and affairs of towns thus situated are very much mis-managed. In one town a sum of 200*l.* or 300*l.* a year, which was intended for the support of the poor, and for other important purposes, has been, owing to this parliamentary influence,

totally misapplied. It is laid out in feasts, drinking, and other improper sources of expense.

Another evil consequence is, that the executive government is itself inveigled and corrupted by the necessity which exists, under this system, of conciliating the favour of corrupt voters. It is a well known fact, that persons, who have votes in these small boroughs, where the electors are not perhaps more than twenty or thirty, have very often, through the influence of their patron, an opportunity of procuring situations to which they otherwise could prefer no claim—to which they are not fairly and justly entitled. I have received many letters on this subject from the inhabitants of these boroughs; and some of them inform me, that certain offices under government are regularly sold by the voters. What I mean is this—a voter having a promise from his patron of a certain office, and not desiring it for himself, or for any of his relatives, will sell it to any individual who wishes to purchase it. I do not say this on vague authority only, for an instance of the kind has occurred in the course of the Grampound investigation. In that case, 800*l.* was given for an office, I believe, in the navy, the promise of which office was the reward of a vote for that borough. The result is, that this system must corrupt the government; because they are naturally obliged to court the influence of these people, for the support of the measures of government in this House. I do not say that this remark applies more to the present

than to other governments. I do not assert, that it is their wish more particularly to make use of this borough influence; but it is in the nature of things that they should make use of it, and it cannot be otherwise: for as nearly 300 members of this House are returned by places with less than 5,000 inhabitants, and only 80 by the counties of England, the minister is of course obliged to look more to the support of the smaller boroughs than to the support of the counties. If, therefore, these boroughs become venal and corrupt, what must be the consequence? Every one must see, that what is called an appeal to the people, will then be an appeal only to a small and degraded part of the people. Every one must see, that if the government rests on so rotten a foundation, corruption must pervade every part of the state, from the lowest departments in which these voters will have influence enough to obtain office, up to the highest situations in the government, where those persons are placed who depend on such discreditable support.

I come now to the consideration of those remedies, which have been at different times provided by the legislature. In the year 1689, the year following the Revolution, a bill was brought in to prevent the enormous expenses which had been incurred at various elections; so that the struggle for our liberties had been no sooner brought to a successful close, than attempts were made to undermine them, and to seduce the garrison to betray the post which they had won by so splendid a

victory. In the 7th year of King William was passed the act well known by the name of the Treating Act. The preamble of that act I shall take the liberty of reading to the House, because, with some variations, I have taken the words of it for the first Resolution which I shall propose. The preamble of the Treating Act is this: "Whereas grievous complaints are made, and manifestly appear to be true, in the kingdom, of undue elections of members to parliament, by excessive and exorbitant expenses, contrary to the laws, and in violation of the freedom due to the election of representatives for the Commons of England in parliament, to the great scandal of the kingdom, dishonourable, and may be destructive to the constitution of parliament; wherefore for remedy therein, and that all elections of members may be hereafter freely and indifferently made without charge or expense—" It is hardly necessary for me to add, that the enacting clauses of this measure have not been effectual for their purpose. The prohibition against giving money at the time of the election is evaded by a tacit understanding, that it shall be paid at some future period: and, accordingly, nothing is more common than for voters to receive ten or five guineas, at the end of six months subsequent to the election.

There is also another well known act, having a similar object in view—I mean the act of George II, which inflicts a penalty of 500*l.* both on the party giving and on the party receiving a bribe; disabling them, likewise, from voting or sitting there-

after. I am sorry to say, that the ingenuity of persons engaged in transactions of this nature, has discovered a loophole from this restraint; and this loophole consists of the exemption in the act from the penalties to which the party is otherwise liable upon giving information of his accomplices. The consequence of this provision is, that a custom has sprung up of indicting certain persons engaged to meet the prosecution, so as to secure the candidate, and the major part of his supporters.

There remains only one statute more, of which it will hardly be necessary for me to take notice, as the author of it (Mr. Curwen) a few days ago declared, that it was totally inefficacious, and had not been acted upon in any one case.

I now, therefore, ask the House, the practice of corruption being so injurious and so prevalent, what further remedy they are disposed to adopt? Would they wish to render the law yet more severe? In my opinion, this is not desirable; and, on the best consideration which I have been able to afford the subject it appears to me, that no remedy will be efficacious which goes merely to enact new punishments for bribery. To illustrate this, I may mention what we all know with respect to the game laws, namely, that whatever the penalty may be, it is impossible to prevent gentlemen of large funded property from having game upon their tables. In the same way, how is it to be supposed that old and decayed boroughs, inhabited by per-

sons who are in the lowest state of poverty next to deriving their subsistence from the poor-rates, and who must be indifferent to the proceedings of Parliament and the course of public affairs, visited occasionally by men of great wealth, and ambitious views, should not present the humiliating spectacle which they now do? How is it to be imagined, that these two classes should not meet together—should not make their bargain—and that that bargain should not be corrupt? How can it be expected, that, let our laws be ever so solemn, our penalties ever so high, or our hypocrisy ever so well maintained, that the existing practices should not prevail? If men of property scruple not to expend seven or eight thousand pounds upon a place of this description, in order to procure support, I know only of one means to prevent corrupt elections, and that is, by some mode of dealing with the franchise itself.

But precedents are to be found on our Journals, which directly sanction the adoption of this course. In the year 1689, the period to which I have already referred, certain corruptions were detected in the borough of Stockbridge, and it was then proposed to punish that town by transferring its privilege to the county of Southampton. This measure was not carried into effect; and I desire the House to look to the consequence. In 1693 an election in the same borough was declared void and corrupt, and a resolution was passed to prepare and bring in a bill for disfranchising it in

future. This bill was read a third time, but was, notwithstanding, subsequently lost. It is singular, however, that all these lessons have not secured the purity of election in that borough; for so late as the year 1793 an entry was made upon our Journals, declaring that notorious bribery and corruption had prevailed at Stockbridge.

The next case to which I shall draw your attention is that of Aldborough, with respect to which it was ordered, December 21st, 1696, that no writ should be issued but in a full House after twelve o'clock. On December 30th, 1697, more than a year afterwards, in consequence of the mal-practices which were proved to have taken place there, a petition was presented from the voters, confessing their guilt, and praying the favour of the House; upon which the writ was re-issued.

In the year 1698, and in 1701, a similar proceeding was adopted with respect to Bishop's Castle; and in 1701, with respect to Great Grimsby; in each of which boroughs we of the present day are not quite ignorant that transactions of the same nature have often occurred. In the year 1701 a formal complaint was made to the House, in consequence of the mal-practices which were proved to have taken place there, against a person of the name of Shepherd, for having carried on a system of corruption upon a very extensive scale—with having, in fact, been engaged at the same time in overturning the freedom of election at Bramber, Wotton Basset, Andover, and Ilchester

Sir Edward Seymour was chairman of the committee of privileges. After long inquiry, the House came to this resolution: "That Sir Edward Seymour hath made good his general charge against Samuel Shepherd, Sen. Esq. of bribery and corruption in several boroughs that send members to Parliament." Shepherd was sent to the Tower. The House voted their thanks to Sir Edward Seymour, upon which occasion the Speaker delivered the following speech:—

"The House has had a long examination of several corrupt practices, tending to the destruction of the constitution. They are sensible the discovery thereof is owing to your resolution, to your love of the public, and is brought about at your charge, and by your conduct. It is an honour, Sir, to you, that you are descended from ancestors who have been successful in commanding armies and fleets of this kingdom, and from a protector of this realm; but it is your personal honour that you have protected even the constitution of this place. As the House have expressed their zeal and indignation against those who have endeavoured to undermine and ruin the foundation of their liberties; so they are desirous, at the same time, that your name may stand upon record, as being the means by which it is brought about."

In the year 1702, they went into an examination with regard to certain transactions which were alleged to have taken place at Hindon. And leave

was given to bring in a bill, "for disfranchising the borough of Hindon from electing members to serve in Parliament." The cases of Shoreham, Cricklade, and Aylesbury are so well known, that it is unnecessary for me to do more than mention them. But the result to which I wish to bring the House is, that neither the remedies to which I have before adverted, nor the inquiries which have occasionally taken place, have yet established any powerful, much less any complete and total check to the evil of which I complain. Something more decisive and more vigorous is yet wanting; or, instead of being diminished, we shall find the arts and influence of corruption spreading more than ever.

It is undeniable, that at each successive general election there are not less than fifty or sixty places in which this gross and infamous system of bribery prevails. The establishment of what is called the Grenville Committee, so great an improvement in every other respect, has, in some respects, retarded and prevented inquiries into the practice of corruption. We see, in the case I have alluded to of Sir E. Seymour, that the very irregularity and strange nature of the tribunal, then existing, gave assistance to any member of the House desirous of exposing corrupt elections; but these advantages are entirely withheld in the case of the small body of members appointed and sworn to try the validity of one single election, and conducting itself by rules of law. The peculiar jurisdiction

with which a committee appointed for this purpose finds itself invested, and the limitations prescribed by the Grenville act, prevent them from extending their inquiries to any foul practice, unless it can be shown to affect the return. It is likewise usual to allow the parties to make up their differences; and, in that case, not a whisper is heard of any improper or corrupt proceeding. However unprincipled the conduct of either party, it is then buried in silence, and no one talks of punishment or of exposure. An instance of this was afforded in the case of Grampound. The Grenville Committee appointed to try the election reported the very next day, that the sitting members were duly elected, and that the petition was not frivolous or vexatious. It might have been supposed that Grampound was purity itself; but when, in consequence of some convictions against Sir Masseh Lopez and the voters whom he bribed and did not secure, the House went into an inquiry on the subject, it appeared, that the sitting members had given from two to 150 guineas to each voter. So much for an investigation by an election committee! Sir Manasseh Lopez, who had given 35*l.* each to the voters, was convicted in a court of law; but the sitting members, who, as it appears by the evidence given before this House, paid 7,000*l.* to suppress the petition, in addition to all their former bribery, escaped scot free, and represented the borough during the whole of the last parliament. Sir

Manasseh Lopez lost his election, and was sent to prison for two years, and persons much more guilty remained in this House to vote a prayer to the Crown, that this unfortunate man should be brought up for judgment. I could not help being struck with the excessive hardship of this case. It was from this feeling I conceived it to be my duty to interfere; for my persuasion was, that Sir Masseh Lopez was one of those individuals, who were led into criminal or erroneous pursuits by their notoriety, and by the sanction which they received from prevailing practice.

What I have now to propose upon this part of the subject is, that a Committee be appointed to devise some better method of inquiring into complaints that may be made of future corrupt practices in boroughs than they at present possess. Without laying down any positive plan on the subject, I am ready to state, that I should like to see a Committee appointed, that should be enabled to take evidence upon oath, whenever a complaint should be made of the state of a borough, on sufficient authority to induce the House to institute inquiry. Already the House has made a precedent of an inquiry without the report of a select committee, in the case of Grampound. The noble lord opposite stated at the time, that it was a novelty, and nevertheless agreed to establish the precedent.

There is another obstacle however to the prosecution of these inquiries, which is, that all our exertions may be defeated by subsequent proceedings

in the other House. Upon this part of the subject I will confess, that I should wish to see a new tribunal constituted, capable of determining disputed questions of franchise, that should be equally independent of both Houses. The details, however, of the measure would evidently be left most judiciously to the settlement of a Committee.

I now come to the second part of my subject; the propriety of giving representatives to places not at present returning members to Parliament. In making such a proposition, what I wish to impress upon the House is, that I am introducing nothing new, which is not clearly required by the new situation of the country; that I am proposing no innovation, where innovation has not already taken place. Let the House look to the mighty increase of our manufacturing and unrepresented towns. When his majesty's ministers were proposing the peace establishment in 1816, I and many of my friends objected to it as unnecessarily large. What was the answer? His majesty's ministers referred us to the prodigious extension of these towns, and the increase of their population. In 1792, the whole of our military force of all descriptions, in Great Britain and Ireland, was 57,000 men: we have this year, in Great Britain and Ireland, including militia and yeomanry, an armed force of 210,000 men. And why? It is but two or three days ago, that the prime minister of this country assigned, as the only reason for maintaining this overwhelming force, the enlargement of

those towns, and the increased numbers of their inhabitants. I found my proposition, therefore, upon an argument, which has been before urged by the government itself; we both recognize the innovation; and we both maintain, that it is an innovation which requires to be met by new remedies and new methods. The difference, and the only difference between us, is, that the new methods proposed by his majesty's ministers consist in force and coercion; and the new method proposed by me is, to conciliate popular feeling, and strengthen ourselves with popular affection.

There is one argument, of which I wish to take notice before I proceed further, as it used always to take the front rank in the objections to any motion for Reform. It used to be contended, that all the great towns of the kingdom, though not nominally, are virtually represented by persons of those towns, who came into Parliament for small boroughs. It is continually repeated, that the merchants and commercial men, who sit in this House, are the virtual representatives of all these large manufacturing towns. This fiction is something like that which represents a judge as being always counsel for a prisoner; but, upon one occasion, a prisoner observed, that if "the judge had been his counsel, he would not have put that question," alluding to what had been just addressed to a witness from the bench. So, I believe, these towns may often say to the gentlemen who are called their virtual representatives, that if they were really so,

they would not have given such a vote. It is impossible, indeed, that they can be heard in this House, or meet with the same degree of deference, as if they came directly from the place whose interests they are promoting, and spoke the sense of its inhabitants. No member, let his talents or authority be ever so high, would meet with the same attention upon a question relative to the iron manufacture, as if he sat in Parliament for the town of Birmingham. But, in point of fact, the bill which passed this House for transferring the elective franchise from Grampound to Leeds has entirely abolished this argument of virtual representation. By that bill it is acknowledged, that the great towns ought to be represented, and that their not having representatives is an evil which ought to be corrected, whenever the opportunity for so doing shall occur. So much is now conceded; and in dwelling upon it, I do not wish to take the concession for more than it is worth: it amounts to this, that the evil ought to be corrected only when a fit opportunity shall present itself; and it still remains for me to prove, that the evil is of such a magnitude as to require, not only that every opportunity should be embraced, but that means should be expressly taken for immediately bringing representatives of the larger towns within these walls.

It gives me pain to be under the necessity of showing, for this purpose, in what manner the towns in question have been governed of late

years. Before I do so, however, I may state, that they have no municipal constitutions of their own: Manchester is under the direction of an officer called boroughreeve, who is, in fact, the steward of the lord of the soil: the town has no sessions of its own, but is included under the same superintendence as the adjoining hundred of Salford. Birmingham is governed by a headborough and constables; and is in the eye of the law nothing more than a village. In neither of these rich and populous communities are there individuals to whom, from their rank or official station, the people are accustomed to look for the tone and colour of their political opinions.

In towns that are represented, however violent the politics of these towns may be, there are certain persons candidates for seats in this House, who act under the control of public opinion, and who give a consistent colour to the opinions of the body whom they wish to represent. A popular election, besides giving vent to discontent, embodies the vague wishes of hostile parties, and forces all to seek some object which has at least a plausible and legal appearance.

It is to the want of any such political centre in these towns, that I am inclined to attribute some of those unfortunate occurrences which have taken place amongst them since the war. There is no authority to which they can conform, or from which they can derive instruction; and when such men as Hunt and Knight come amongst them, there

exists no bulwark of formed and fixed opinions, raised by habitual discussion and practical freedom of suffrage, to resist the assault of their delusive doctrines.

In this state of things, what was the policy adopted by his majesty's ministers? What was the mode which they selected for allaying the discontent which then prevailed? So far from endeavouring to confirm or establish the authority of persons whose fortune and whose station were pledges of their attachment to the state, a lord lieutenant was himself suspected of harbouring designs hostile to the Constitution. Instead of communicating with him, he was removed from his office. And who was the individual substituted for the purpose of calming these agitations? He was no other than Oliver the spy. Who was the virtual representative of Manchester at that period? The answer must be, Oliver the spy. At a time when all the elements of combustion were ready to break out into desperate activity, who was the arbiter of peace or civil war in England? The answer must still be, Oliver the spy—the basest of the base, a wretch among wretches—a man whose touch contaminated the very traitors with whom he associated. What were his objects? To provoke the country to resistance, that he might gain by the loss of the commonwealth. The people were at that time in a state afterwards described by the magistrates as one of extreme distress, in which they were ready to listen to any plan that professed to relieve it.

Now, I know but of two reasons why men obey a government. The first is, because they think it a crime to rebel; the second is, the fear of punishment. The first of these motives was taken away by the demagogues who taught these poor people, that the government was so utterly corrupt and vicious, that rebellion had become a duty. Then came the government spy, and took away the second motive for obedience, by telling these unfortunate, starving artisans, that 70,000 men were ready to rise in London and second their efforts to overthrow the state.

"It is a singular proof of the loyalty of the people of England, that, with all this incitement, no rising took place in the year 1817, that could not be quelled by twenty or thirty dragoons. I fear, indeed, that there are some persons who lament there was not more disturbance, who think that a system of coercion and violence is the only plan upon which the government of so populous a country can be advantageously administered. I fear that there are some who have even applauded the bloody tragedy which was acted at Manchester, and who openly avow their opinion, that severe prosecutions, that multiplied punishments, and a large standing army are indispensably necessary. This is their budget of resources: such are the ways and means by which they propose to govern a free state. But I will ask even those who defend this mode of government, what further means of security remain? What further tax

upon the liberties of the people can they propose, in case of fresh discontents? To increase their standing army? They must, at the same time, increase the burthens of the people; and they will thus occasion disaffection by the very means they propose to subdue it. To add to their restrictive laws? Those laws have been already pushed as far as it is possible to go, without entirely relinquishing our freedom. I know but of one resource, of what the noble lord opposite calls a system of severe coercion, that has been left untried; and that is, what I will not trust myself with contemplating, I mean a censorship of the press. The question is, therefore, how to secure our safety? With such a prospect before you, will you continue to restrain, to coerce, and to punish; or by giving at once those rights to which the claimants are fairly entitled, try whether you cannot, in this manner, conciliate their affections?

The proposition which I have to submit is in strict consonance with the practice of Parliament, and with the fundamental principles of the constitution, as declared at the best periods of our history. It has indeed been questioned, whether it is of any advantage to a body of freemen to have representatives sitting in the legislature; but I cannot consent to discuss an objection of this sort; I do not stand here to defend the constitution of England; nor as the advocate of general liberty. It is already provided by that constitution, as a security for our liberties, that the peo

ple should come to this House; that they should state their grievances; and whilst the king redresses them, as matter of grace, they, through their representatives, still reserve to themselves the power of granting supplies. To the examples of Wales, of Chester, and of Durham, I may triumphantly appeal for the conclusive assertion of the principle of representation. I wish to see the principle adhered to in these several cases again brought into effectual operation; so that all the various streams of British liberty may mingle together, and, in their majestic course, beautify and fertilize every region through which they pass.

I do not wish to conceal, that if my object could be effected I should propose a compensation for any boroughs that were deprived of their members without being convicted of corruption. My honourable friend (Mr. Lambton) has said, on a late occasion, that he could not assent to any plan for granting compensation to boroughs for the loss of their elective franchise, and has called it a measure for acknowledging and sanctioning a white slave trade. On my honourable friend's principle it is clearly impossible to admit any such arrangement, for that principle goes to alter the whole frame of our representative system, to transfer the right of election to new bodies, and to treat Old Sarum and the city of London with equal respect. Whereas, the proposition which I have now to submit is formed upon a scheme already in ex-

istence; and were I to assume that the smaller boroughs are alone corrupt, I might be justly told that the larger are, perhaps, still more so.

It has been said, that the elective franchise is a service, and that, therefore, no compensation ought to be given for it.

But I contend, that it is also a privilege, and I hold in my hand a copy of the charter of Wenlock, the first charter, I believe, in which the right of sending members to Parliament is conferred, where that, with other privileges, is expressly granted by Edward IV, in consideration of—these are the words of the charter—"the commendable and gratuitous services which our beloved and faithful liegemen and residents in the town of Wenlock have performed to us, in establishing our right to the crown of England, which from us and our ancestors hath been a great while withheld, being disposed to show our grace and favour to the same men and residents." The charter then goes on to enumerate the privileges granted. One of these is, "Also we have granted to the same burgesses, their heirs, and successors, that they and their successors for ever shall and may choose from themselves and others, one burgess for the borough aforesaid, to attend the parliaments of us and our heirs." And the charter goes on to say, that this burgess shall be admitted and sit in Parliament in the same manner as the burgesses of any other borough.

But, at the time of the Irish Union, a direct

precedent was established for granting compensation to boroughs, upon their disfranchisement. The Irish Act of the 40th George III, c. 34, is intituled, "An Act for granting Allowances to Bodies Corporate, and Individuals, in respect of those Cities, Towns, and Boroughs, which shall cease to send any Member to Parliament after the Union, and to make Compensation to those Persons whose Offices may thereby be discontinued or diminished in value." Here, then, we have a direct precedent for depriving boroughs of their franchises, and granting them a pecuniary compensation in lieu of them. A sum of 1,400,000*l.* was granted by the Irish Parliament for this purpose.

I now wish to submit a few considerations on the general principle of my resolutions, which is that of extending the right of representation to certain places not now possessing it. Persuaded I am, that nothing can be more essential than the prosecution of such a course, if we either wish to preserve the affections of the people, or to hand down unimpaired to posterity those blessings of freedom which we have ourselves inherited. The policy which it sanctions is, that we ought to widen the basis of our representative system, in proportion to the vast increase of our wealth and population.

In support of this principle I have the authority of all history and experience; and may refer you in the first instance, to the constitution of Spain. There was a period when Spain had 300 represented

towns; but in the reign of Charles V this number was reduced to seventeen, who were no longer able to cope with the power of the Crown. Italy is an example equally in point. During the 13th century, there were, in the different independent states of Italy, no less than 1,800,000 freemen. In the 14th century they were reduced to 180,000, and in the 15th century there were not above 18,000 individuals who possessed the rights and privileges of citizens. What was the consequence? The downfal of the Italian states as soon as they were invaded—the utter decay of towns, once so flourishing, once so abundant in all the productions of genius and freedom. It is a remark of an eminent historian of the present day, that "this gradual diminution of the number of those who had rights, and who were ready to defend them by immense sacrifices, was, perhaps, the chief cause of the fall of the Italian governments. Liberty," he says, "which had at first been placed on the broadest basis, was made at last to rest on the point of a pyramid."

This, then, is what I now call on the House to beware of. I call upon them to enlarge the foundation of our common liberty; and I ask them, whether, if the suffrages of the people should become more and more contracted, they can look forward to any other result than that their posterity shall be, one day, as base and degenerate as the population of Italy has lately shown itself to be? As the basis of representation is contracted in Italy, so their republics have, one after another,

been overthrown; the inhabitants, without intellectual vigour, and perverted in their moral habits, have lost all the dignity of their ancient character. They were found, at the commencement of the nineteenth century, so negligent of their former fame—so degraded in their political feelings—that they have acted in a manner which I am sure must kindle indignation in the breast of every one who hears me.

I will only add one reason more, why I press this subject on the serious attention of the House. The people of this country, above all other nations, require that its government should go hand in hand with them. I have seen despotisms firmly established and likely to endure. But why? Because, if the people have little to do with the government, the government has little to do with them—few taxes and a mild administration of laws leave the nation at its ease, perfectly careless who is raised to be minister, or how soon the same minister is excluded by some court intrigue. But in this country we can have no such foundation for obedience—we cannot be satisfied with lukewarm loyalty and tranquil indifference—we must have not only the heart but the whole heart—not only the affections but the entire affections of the English nation. For we oblige them, by the sacrifices we ask, to be thinking continually of the state. It cannot go on unless supported by the zeal and devoted attachment of the subject. Why are the people of this country more attentive than ever

to the conduct and measures of government, but because they feel the hand of government interfering with them every day and in every place? They are called upon, after all the triumphs which have been achieved, to bear, in silent and patient endurance, the accumulating burthens which have been heaped upon them. They have not now the song of victory to cheer, or the hazards of war to incite them: we can offer no stimulating motive to enable them to forget their difficulties and distresses. I therefore ask—I implore of the House, to lose no time in adding another link of connection between themselves and the country. I conjure them to manifest such a disposition as will convince the people that they are sincere in their endeavours to accomplish a Reform; and will render the throne, the aristocracy, and every institution of the state, objects of veneration with the English nation.

I have now said all that I believe it is necessary for me to offer to the House upon this occasion. I am fully aware of the difficulty of the task which I have undertaken. To some, I am aware, that I am an object of alarm, as carrying my speculations much too far. Others have treated my proposal with ridicule, as narrow and insufficient, maintaining, that much greater changes are both practicable and necessary. There are persons who are apprehensive that the slightest change must go to endanger the whole system. This last description of persons seem to overlook the real changes which have taken place in our Constitution, and the

extent to which the spirit of our laws has been in various ways departed from. For my own part I shall fearlessly submit, for approval or rejection, a proposition, which, after the best thinking I can apply to the subject, appears to me calculated for the benefit of the community at large—a proposition which I doubt not will stand in need of correction, but which is, at least in its spirit, just and reasonable. Having laid it before the House, I shall have the satisfaction of saying to my own heart, that I have done my duty. I shall now conclude by moving the following resolutions :—

1. "That grievous complaints are made in the kingdom, and manifestly appear to be true, of undue elections of members to serve as burgesses in Parliament, by gross bribery and corruption, contrary to the laws, and in violation of the freedom due to the election of representatives for the Commons of England in Parliament, to the great scandal of the kingdom, dishonourable, and may be destructive, to the constitution of Parliaments.

2. "That, in order to strengthen and maintain the necessary connection between the Commons of this kingdom and their representatives in Parliament, it is expedient to give to such places as are greatly increased in wealth and population, and are not at present adequately represented, the right of returning members to serve in Parliament.

3. "That a select committee be appointed to consider to what places, according to the principle of the foregoing resolution, it may be advisable to

extend the right of returning members to serve in Parliament, and of the best method of effecting that measure, without an inconvenient addition to the members of this House.

4. " That it be referred to the same committee, to consider further of a mode of proceeding with respect to any boroughs which may hereafter be charged with notorious bribery and corruption, in order that such charges may be regularly and effectually inquired into, and, if proved, that such boroughs may be disabled from sending burgesses to serve in Parliament for the future."

SUBSTANCE

OF

THE SPEECH

DELIVERED

APRIL 25, 1822.

MR. SPEAKER:

I RISE for the purpose of moving a resolution: That the present state of the Representation of the People in Parliament requires the most serious consideration of this House. Should I be so fortunate as to succeed in this motion, I shall then move for leave to bring in a Bill for the more effectual Representation of the People in Parliament.

In bringing this subject before the notice of Parliament, I naturally feel considerable anxiety: not anxiety lest I should fail to impress upon the House the importance of a question affecting the formation of the governing body of this mighty empire—a question which, if carried, involves, as some think, the ruin, but as others, and, according to me, a majority of the people believe, the salvation of the country—but anxiety and apprehension lest

the weakness of the person, who presumes to bring forward the motion, should be thought unequal to a discussion of such magnitude. It will be an additional weight upon me, in urging arguments which I think are in their nature irresistible, to consider how often those arguments have been enforced by men of the highest talents; men entitled to the veneration of the House and of the country.

On the other hand, if I may venture to speak of myself, I feel some encouragement to proceed in the recollection, that I have served an apprenticeship, so to term it, in the cause of Reform; that I have thus had occasion to consider the subject in its various forms and bearings; and that, in bringing forward a part of the question of Reform more than two years ago, although I never for one instant allowed it to be imagined, that the small alteration I then proposed contained my utmost wishes, I yet professed myself inclined rather to support the reforms of others than to originate any general proposition myself. I therefore claim some credit for deliberation when I say, that a careful investigation of the subject induces me to lay before the House the reasons and the principles upon which, in my mind, a more extensive Reform may be safely founded.

I am likewise encouraged by the propitious fitness of the present time for entertaining such a motion. The question has been so often met and turned aside by fears of jacobinism in foreign nations, or of tumults at home, that I feel it a great ad-

vantage to be able to say, that our present state or external peace and internal tranquillity affords opportunity for ample and undisturbed dicussion.

There is another circumstance which ought to weigh in favour of the motion I am about to make; I mean the number of petitions for Reform of Parliament, which have been pouring into this House since the beginning of the Session. This fact shows the value which the people at large attach to this question, and the eagerness with which they look forward to its success. Petitions have this year been presented to the House from the counties of Middlesex, Devon, Norfolk, Suffolk, Bedford, Cambridge, Surrey, and Cornwall, all praying for Reform in Parliament. In the county of Huntingdon a petition to the same effect has been voted. Petitions have also been presented in great numbers from separate towns for the same object; and the petitions, which have been presented for the liberation of Mr. Hunt, nearly all contain a petition for Reform: thus showing, that the vast number of persons, who embraced opinions in favour of this measure some years ago, maintain their wishes unchanged, and their judgment unshaken.

Whilst this anxiety in the country for Reform in general encourages me in the task I have undertaken, I feel it to be a circumstance no less propitious, that the petitioners do not ask exclusively for any one plan of Reformation. It may be remembered, that a few years ago all the petitions prayed for universal suffrage; but at a meet-

ing, in the present year, of the county of Middlesex, a meeting which might be supposed to bring together all classes of Reformers, when a venerable advocate of the cause of Reform proposed a petition for universal suffrage, he could find no one to second him. That single circumstance shows the disposition of the people to ask for Reform as a cure for abuses existing, and not as a fanciful, untried measure, of which in their own minds they have some vague conception: it shows their inclination to accept from this House any reasonable system of amendment, subject to such an interval of deliberation as the importance of the subject may appear to demand.

Under these impressions, I come to consider what it is that the petitioners ask. I think I am borne out in saying, that what they ask is nothing new; no innovation upon the constitution; no change in the existing laws; they simply pray, that the functions of granting supplies of money, of appealing for the redress of grievances, of giving advice to the Crown, in short, all the legal functions of a House of Commons, should be exercised by the true representatives of the people. This is the language of the petitions, and it is the undoubted language of the constitution. The question to be tried, therefore, is, not whether in law the House ought to be the representatives of the people, but whether in truth they now are so. It is a simple question of fact, which the House is called upon to de-

cide. Considering, therefore, that as to the constitutional right of the people to representation no doubt or question can exist, I shall not consume the time of the House in discussing all the wild theories which have been framed upon that subject. Among others, I shall entirely neglect the theory, that the House of Commons ought to represent, not the people alone, but the Crown and the House of Lords, as well as the people. Surely nothing can be more dangerous than the admission of such a theory. Nothing can be more absurd than to think, that the balance of the Constitution, instead of existing in King, Lords, and Commons, should be found in the House of Commons alone: for how, if such a system could be allowed to prevail, would the country ever be sure that the balance was adjusted? How could the people have any security, that the Crown and the House of Lords had not a majority, and that the true representatives of the people were not, by comparison, few in the assembly which professes to be sent by them alone? Where then would be their guarantee, that their wishes and their interests might not be entirely neglected in a house called the House of Commons, instituted for the purpose of gathering their wishes, and protecting their privileges? Throwing this theory aside, therefore, I shall consider this House as the House of Commons only, and its members, not as delegates of the various branches of the Constitution, but as forming one branch only.

In rejecting theories, I shall likewise lay out of

consideration all those plans which require an entire reconstruction of the House of Commons: not that I do not think such plans extremely proper to be discussed, but that I imagine the benefits I seek may be obtained by a smaller change; and I think every reformer must agree with me, that if it could be proved we should obtain the advantages we desire by a lesser change it would be unwise to attempt a greater.

Throwing aside, then, such theories entirely, I come to the question of fact which I have suggested to the House; and it becomes necessary, in order to our right decision, to take into consideration on the one hand, the state of the House, and, on the other, the condition of the People. If I can show, that the condition of the People has materially changed, and that the change in the state of the House has not been agreeable to that change in the state of the People, but of a very different and opposite tendency, I trust it will be allowed, that the House and the People have no longer that accordance which they ought to have, and that some remedy is required; but if I farther show, that this discrepancy has made itself evident by acts which the House has done, and which the representatives of the People never could have sanctioned; then it must be admitted, not only that there are abuses to be reformed, but that duty, and love of their country command the House immediately to begin the work.

Without entering into detail farther than is absolutely necessary, it cannot be denied, that the

people of England have undergone a considerable change during the last forty years. The wealth of the country during that period has very considerably increased. The fact, which was mentioned early in the session by my honourable friend the member for Winchelsea, that our expenditure during the last two years of war was 270,000,000*l.*— while it showed the immense expenditure of government, showed also the very great wealth and resources of the people. That wealth and those resources, widely diffused, have had a tendency to increase the importance of the middle classes of society; classes that stand in a peculiarly fortunate situation, equally removed from poverty, which is too often the parent of crime, and from idleness, which is proverbially the mother of vice. Free alike from the temptations created by want, and from those suggested by indolence, they find, in decent competency and useful occupation, the guardians of their morality. Politically speaking, they are intimately connected with the classes above and below them; and are therefore not liable to partake either of that disregard of the poor, which sometimes disgraces the rich, or that hostility to the rich, which unfortunately is apt to find its way among the poor. Thus forming themselves the best class of the community, and at the same time zealous for the welfare of the others, they constitute one of the most solid pillars of the state; and I know not that I could select a better sign of the future prosperity of a country, than the wealth, comfort, and intelligence of its middle orders.

Another cause of the improvement of the country is the great increase which has occurred of late years in our manufactures. From the year 1785 to 1792, the average amount of our exports of British manufactures was about 13,000,000*l.* a year. From 1792 to 1799 it was 17,000,000*l.*; but the exports of the year 1821 are stated to amount to 40,000,000*l.* When to this is added the still larger consumption of our manufactures at home, and when it is considered, that out of these 40,000,000*l.* our export of cotton goods amounted to 23,000,000*l.*, our woollens and linens to 7,000,000*l.*, it must be inferred, that a very large proportion of the inhabitants of the country subsist by those manufactures. I will not now dwell upon this new phenomenon in the state of the country, but for the present confine myself to a statement of the fact.

With this immense increase in manufactures and commerce, the dissemination of instruction, and the improvement in knowledge, have advanced even in more than equal proportion. Indeed, this is a circumstance which must strike the most careless observer, from the vast increase of books, and the very high prices which are paid for the exercise of literary talents. From the immense distribution of works of every description throughout the country, one would infer, that, as the opportunities of information are thus increased, the education of the lower classes must be enlarged in the same proportion. Being curious to gain some information on this subject, I

some time ago applied to an eminent bookseller's house in the city, from which I learned a number of interesting facts. I will state to the House one, which will of itself be sufficient to prove the astonishing extent to which books are circulated throughout the country. From the firm to which I applied, I learned, that their own sale amounted to five millions of volumes in the year; that they employed sixty clerks, paid a sum of 5,500*l.* in advertisements, and gave constant employment to not fewer than 250 printers and bookbinders. Another great source of information to the country is the increase of circulating libraries. In the year 1770, there were only four circulating libraries in the metropolis; there are at present one hundred, and about nine hundred more scattered throughout the country. Besides these, there are from 1,500 to 2,000 book-clubs, distributing throughout the kingdom large masses of information on history, voyages, and every species of science by which the sum of human knowledge can be increased, or the human mind improved. Here I may also remark on the increase of periodical works. Of these there are two (the Edinburgh and the Quarterly Reviews), many articles in which are written with an ability equal to some of the best original writings of former times, and having a greater circulation than all the periodical works of thirty years ago put together. Besides these there are five periodical works of science only, all in great demand. And here, to show that the demand for such

works is not confined to the vicinity of the universities alone, I will mention, that a friend of mine, travelling through Inverness, was enabled to procure, at a small shop, a journal of science and a number of the Encyclopedia, but afterwards, when in passing through Oxford he applied for the same books, he was told that they were not to be had unless previously ordered.

While so many and such fruitful sources of information are thus opened to the higher orders, the means of improving the minds of the poorer class have advanced at a pace not less rapid or less steady. First came the establishment about twenty-five years ago of the Lancasterian schools, which have distributed so widely the blessings of early instruction; and after these followed the no less beneficial system of national schools, which afford to the poor of every class education suitable to their state and condition in life. In addition to those means of improvement, another has been opened, not less advantageous to the poor—I allude to the great facilities which at present exist, of getting the most valuable works at a rate so very cheap as to bring them within the compass of all. Some time ago an establishment was commenced by a number of individuals, with a capital of not less than 1,000,000*l.*, for the purpose of printing standard works at a cheap rate. By that establishment the history of Hume, the works of Buffon, the Encyclopedia, and other valuable productions, were sold in small numbers

at sixpence each, and by this means sources of the highest and most useful instruction were placed within the poor man's reach. I regret much to add, that this valuable establishment was very much checked in its operation, by the effect of one of those acts for the suppression of knowledge which were passed in the year 1819. I regret this the more, as one of the rules of that establishment has been, not to allow the venders of their works to sell any book on the political controversies of the day.

In noticing the means which have contributed so much to the mental improvement of the great body of the people, I ought not to omit noticing the very good effects which have resulted from the exertions of the Bible Society, the Religious Tract Society, the Society for the Dissemination of Christian Knowledge, and other valuable associations of similar character. Since the commencement of the Bible Society, it has applied the immense sum of 900,000*l.* to the laudable purpose of disseminating the knowledge of the Scriptures. From the Religious Tract Society not fewer than five millions of tracts are distributed annually, and the Society for Christian Knowledge distributes one million. These facts will show the rapid strides which have been made by the public in the improvement of general knowledge.

I will now come to the state of political knowledge in the country. This has been greatly augmented by the extraordinary increase in the cir-

culation of newspapers. Some time ago I moved for a return of the number and circulation of the several newspapers printed in London and in the country. That return has not been made in the manner in which I had intended; but from the account I was enabled to procure, it appears, that there were not less than 23,600,000 newspapers sold in the country in the last year. Of these the daily London papers sold above 11,000,000, the country papers above 7,000,000, and the weekly papers above 2,000,000. From another source I have been enabled to procure more particular information as to the increase in the number of papers within the last thirty or forty years, the substance of which I will read to the House.

	In the year 1782.	In the year 1790.	In the year 1821.
In England ...	50	60	135
In Scotland ...	8	27	31
In Ireland ...	3	27	56
London daily .	9	14	16
Twice a week .	9	7	8
Weekly	0	11	32
British Islands	0	0	6
	79	146	284

making in the whole the increase in the number since 1790, from 146 to 284, which is very nearly double in the space of thirty years.

Having made these statements, from which the House will judge of the vast increase of the wealth

and importance of the country, and of the rapid strides it has made in moral and political knowledge, I will now come to the other part of the inquiry; namely, whether the state of Parliament is also changed, so as to represent this increased importance of the middling, the manufacturing, and the commercial classes. In proposing this inquiry, I will state broadly, that not only is the House bound to consider whether Parliament represents this increased importance, but also whether the government generally keeps up with the increase in strength and knowledge of the people; for I will assert, that no government can be stable, which does not keep pace with the increasing improvement of the people over whom it presides; and that any government, which fails to make such advances, must soon come to final ruin. I take these to be positions so trite, and even so self-evident, that I should not have thought it worth while to recal them to the attention of the House, had not another and a very different theory recently found its way within their walls. I allude to what has fallen from the most liberal member of his Majesty's cabinet, one who I believe really takes an interest in the progress of liberty. That right honourable member has urged the increased information of the people as a defence of the existence of certain offices, which could be defended on no other ground. Now to assert, that in proportion as the people asked for more economy there should be more waste—in proportion as they became more honest

there should be more corruption—in proportion as they became more enlightened they should have a government less able to bear investigation, are propositions so monstrous and absurd, as must in their very nature tend to the destruction of any government they are meant to support. And yet such is in fact the meaning of the defence which has been set up in this House, that an useless office should be continued because the intelligence of the people had increased. If such propositions are followed up, they will have the certain effect of rendering the government odious in the eyes of the people—of making them doubt the value of a monarchy, and even indifferent to the destruction of our constitutional form altogether.

But to come to the question—the present state of the Parliament of the country, and the relation it bears to the improved condition of the people. In looking at this part of the question I was struck with the remark made by Mr. Justice Blackstone, who, in referring to the defects of the representation, says, that yet there was hardly a free agent in the country who had not a vote for a member of Parliament in some place or another. Now, it is not to be supposed, that that able commentator on our laws would have gravely made a statement which was at variance with the fact, and therefore his assertion must have had some foundation at the time at which he wrote; but let the present state of the representation be compared with the statement, and what a difference will be seen! We have now not only one

free agent, but there are in the country at least one million of free agents—men perfectly free and independent, who have no vote for a member of Parliament, though anxious to acquire the right, and in every way qualified to exercise the functions of electors. On a former occasion, when this subject was before the House, it was stated, and not denied, that a majority of the members of this House are returned by a body of electors not fully 8,000 in number—a fact utterly at variance with the increase which has taken place in the numbers, the wealth, knowledge, and consequent importance of the people of the country. But if we look a little farther, and go a little more into detail on the subject, we shall find, that while the people go on rapidly improving, the basis of this House is gradually becoming more narrow; and instead of embracing the whole of the community as the source of their representative character, is dwindling into a sort of self-elected corporation, depending on a very small portion of that community. In making this remark, I do not mean to say it is applicable generally to the members of this House, but it is applicable to a majority, able to influence the decision of every vote of the whole.

First, with respect to the county members. I have already observed, that a great increase has taken place in the middling orders—in the commercial and manufacturing classes; but there is no commensurate increase in the number of county members. Out of 513 members (for England),

there are only 92 who represent counties; and, even with respect to that number, the full and free expression of the opinions of those who have a right to vote is impeded by a variety of circumstances. Among these I will notice the enormous expenses attendant upon contested elections for counties. I will instance the county of Devon, where some freeholders have to come forty miles at each side of Exeter to give their votes. The consequence of this is, that, as few fortunes can bear the immense charges of a warmly-contested struggle, there is usually a compromise, and one member is returned by each party, though the numbers of one party may be five or six to one compared with the other. Another circumstance, injurious to the state of the representation, is caused by the great number of landed proprietors, whom Mr. Pitt so improvidently raised to the dignity of the peerage. The result was, that those of the landed gentry who remained in the representation of the Commons did not form a body sufficiently strong in name and property to resist the votes of those who were swayed by private interests. For my own part, I am of opinion, that if only the great landed proprietors were members of this House, even if they held their situation as such for life, they would, provided their proceedings were constantly exposed to the criticism of public opinion, be found a more valuable safeguard for the liberties of the people than the House as it is at present constituted. I will even venture to assert, that if the House of Commons were

abolished altogether, and the public business transacted by the House of Lords, it would soon become more popular, and obtain more of the reverence of the people, than ever will be given to the House of Commons in its present state. My opinions on this subject are founded on the principle, that those who hold a great stake of property in the country will never consent to any measure of importance against the declared sense of the public, or which can irritate the people to resistance. I am convinced of the truth of this remark, when I recollect what occurred in the case of the Queen, when the Lords showed a deference to the well known feelings of the people more evident than any instance I can recollect in the House of Commons.

I next would call the attention of the House to the representation of the large towns. In some of these there is a full and free exercise of the opinions of the electors; and in those instances they return men of independence to Parliament: but in very many others the elections are so managed, and the rights of the voters so abridged, either by votes of this House, or by usurpation of small corporate juntas, that by degrees the number of voters is diminished, while the influence of many of those who remain is absorbed by the intrigue of corporate bodies. I will mention as an instance Plymouth, which in the reign of Charles the Second had 7,000 inhabitants, of whom 300 had votes for its members. The population has since increased to

50,000, while the number of electors is reduced to 200. I might instance other places, such as Bath and Cambridge, where the elections are managed by a small number of persons, sometimes not even resident in the towns, but who still contrive to direct the elections as they please.

I now come to notice the small towns or boroughs which return members to Parliament. Of these there are 140, containing less than 5000 inhabitants each. (In all my calculations I only include England.) By these 140 boroughs, 280 members are returned to Parliament, making a clear majority of the House in the sense to which I have just alluded. Of those small towns there are 40 which contain from 3 to 5000 inhabitants, and 100 less than 3000 each. I believe that the system which prevails in most of these places, and particularly in the Cornish boroughs, is pretty notorious. I could, if I did not fear to fatigue the attention of the House, and if the thing were not so well known, read a number of letters clearly showing many instances in which the return of members to this House was procured by money only; by bribery the most direct: but the thing is so commonly acknowledged, so universally allowed to be the case, that it would be taking up the time of the House unnecessarily. In the last year it was admitted, that out of 44 members returned for the several boroughs of Cornwall, there were only five who were natives of that county. In another place it was urged by a

minister of the Crown as an argument against granting the forfeited franchise of Grampound to Cornwall, that the boroughs of that county represented the commercial interests; and it has even been quoted as a proof of the elasticity of the Constitution, that it can thus take in and represent the new interests and the new property of the country. Good God! and is this the way in which the representation of the new interests, and the new property of the country, is to commence? I beg the attention of the House to this practice, to its origin, and to some of its consequences; and then I will ask any man, who respects the Constitution, to say, whether the new interests, the increased wealth and importance of the country, ought to be so represented? This new representation is commenced by an open violation of one of the most sacred laws of Parliament. To this is added wilful and corrupt perjury; and in the train of these there follow drunkenness and almost every species of immorality. But with all these disadvantages, with this contempt of law, this gross immorality, does the system produce any thing like representation? It does no such thing. There is no community of interests between the elector and the elected: the elector is utterly indifferent to the character, conduct, or sentiments of the man for whom he votes; and when once the price of that vote is paid, it is to him a matter of no earthly consequence, whether his purchaser is a Tory or a Whig, whether he has sworn allegiance to the

House of Stuart or the House of Brunswick, or even the Nabob of Arcot—whether he is a supporter of despotism or a friend to liberty.

One of the worst consequences of this system is the possession of power without responsibility. In fact, the individual thus buying himself in, represents only the commercial house to which he belongs. I remember on one occasion, a member who had got into the House by dint of money, and who was afraid lest I should criticize the means by which he had obtained his seat, came to me, and assured me, that he had no wish whatever to enter Parliament, but that he did so to oblige his partners in trade. Now that is exactly the kind of representatives which I do not wish to see in this House. I do not wish to see men returned here for commercial houses, representing only their partners, and naturally anxious to oblige government and support its measures, in order to procure patronage and favour for their establishments. I do not mean to say that this was the case with the gentleman to whose case I have alluded; but I know that there are members who procure seats in this House for no other purpose but that of assisting the commercial houses with which they are connected. It is well known, that in the war there were many good things to be given away, which it was of course a great object with commercial men to procure. There was a license for trade to the West Indies given to one house, which I am informed was worth at least 15,000*l*. Is it not

natural to suppose, that such a grant must give no small bias in favour of Government to the political sentiments of the parties?

Another circumstance arising out of the representation of the small boroughs is, that it is generally procured by the supporters of government. There are few who would wish to expend such a large sum of money as will buy a seat in Parliament, for the pleasure of constantly voting in minorities. Many of those who are returned for these places may have a conscientious disposition to support the measures of government, and therefore come into Parliament, in order, by such support, to forward the interests of their country. Others come in with the view that, by assisting the minister, they may obtain a share of his patronage. But whatever may be the views of those who procure a seat in this House, in order to support the government, whether conscientious or corrupt, it is interest, and interest alone which induces the greater number of the immediate patrons of these boroughs to apply to ministers for a candidate. The attorney who has obtained an influence in a corrupt borough—the middle man—who performs the disgraceful office of handing over the bribe—keeping half as a fee for himself—from the elected to the elector, has no better way of preserving his hold on the borough, than by obtaining the disposal of government patronage in the place and its neighbourhood. He goes to the minister to offer the seat: the minister

recommends his friend — his friend, sometimes assisted by the minister, pays his money for the seat. Thus a permanent connection is established between the minister and the borough patron; the one secures a member to support him in Parliament, the other confirms his own possession in the lucrative property which produces members of parliament.

Besides this general connection, it is notorious, that some of the small boroughs are so overrun with ministerial patronage, as to be completely in the hands of government. That for which the Right Honourable the Chancellor of the Exchequer sits, is of this description. So many situations in the post-office, the packet-office, and other public departments, are held by persons connected with it, that Government may be said to have the entire command of the seat; and it is impossible that any independent inhabitant can ever hope to possess the smallest influence there.

But allowing the existence of the abuses I have exposed, there arises another question, whether these abuses have made themselves practically felt in the government of the country. In reference to this question, and in answer to an exposition of abuses somewhat similar to that I have just made, when the subject was brought forward, on a former occasion, Mr. Windham, who was opposed to all reform, observed, that no practical evil resulted from the system of representation, and, with his usual liveliness of expression, likened the petitioners

for Reform to the man mentioned in the "Spectator," who had every symptom of the gout, except the pain. This, however amusing, is a very unphilosophical view of the question, and is directly in the teeth of the remark of Bacon, who says, with equal truth and sagacity, "this is true, that the wisdom of all these latter times in princes' affairs is rather fine deliveries and shiftings of dangers when they are near, than solid and grounded courses to keep them aloof. But this is but to try masteries with fortune: and let men beware how they neglect and suffer matter of trouble to be prepared; for no man can forbid the spark, or tell whence it may come." Notwithstanding the evident existence of these abuses, however, I should be hopeless of carrying conviction to the minds of the House, if many of those abuses had not become visible in their effects. We have now the pain, along with other symptoms, and are suffering severely from the inadequacy of this House to represent the people. By these sufferings it is that the minds of men are thoroughly convinced of the necessity of Reform; and though the opinion of most is, that it could not immediately remedy many of the disorders which its delay has produced, yet it would at least have this effect, of affording a security for good government in future.

In looking at the evils arising from an inadequate system of representation, it must strike every one, that a Parliament might go on for a long time without representing the people, and yet without

appearing to have very distinct interests. The consequence would be, that the evil would not be so immediately felt. For instance, the people might be eager for a war, and it might be the interest of a corrupt Parliament to encourage them to carry their wish into execution. The country might be governed by a good and enlightened minister, and it might be the interest of a corrupt as well as of an honest Parliament to support that minister. The people might wish for a reformation in the laws, and there might be nothing in the interests of the most corrupt House of Commons that should induce them to oppose that reformation. There might thus be some cases in which no injury would result to the public from such a system as I have described; but there are other cases, which cannot fail to convince even the most incredulous on the subject, that what they have long been accustomed to consider a complete system of representation, is really incomplete and imperfect.

To exemplify what I have just said, I will take the liberty of reviewing, as shortly as I can, what has occurred since the motion for Reform, which Mr. Pitt made in the year 1785.

For some time after Mr. Pitt became minister, he escaped all odium, as well by the merit of his own measures, as by the unpopularity of the coalition. Indeed, I consider the measures of Mr. Pitt, after his first accession to office, to have been

eminently wise, economical, and just. They were followed by great popularity, which enabled him to conduct the affairs of government, for some years, without the people feeling any necessity of a change being made in the system of representation.

Mr. Pitt gave currency to the idea, that the evils of a defective representation might not be felt upon all occasions, when, upon Mr. Flood's motion for Reform in 1790, he said, that he was as firm and zealous a friend of the question as he had ever been—that he should be ready to propose his motion for it again, whenever a proper opportunity should arise—that it was true, that for some time the inconveniences of a want of Reform might not be felt; but they would be felt in certain contingencies.

Passing over some years of peace, Mr. Pitt entered upon the war in 1793, having on his side, as he believed, the greater part of the property of the country. I am ready to admit, that the monied men of the country, alarmed by the terrors of jacobinism—whether justly or no I will not now stop to determine—did enter willingly at first into the war. At a later period, however, it appeared from general testimony that the disposition of the country tended towards peace. Their disposition was gratified two or three years afterwards, by the peace of Amiens. That peace, as all of us know, was only of short duration. We entered upon a fresh war, and continued it for a few years, without any discrepancy appearing between the conduct of the

Parliament and the wishes of the People, or at least without the people's expressing any earnest desire for a reform in their representation. Yet let it not be supposed, because the people did not cry out for Reform, it follows that the government was conducted in exact accordance to their sober and just opinions. For it is of the nature of the people to push obedience almost to a fault. Nothing can be more false than the opinions of those, who maintain that agitators can easily, and without cause, excite the people to tumultuous and seditious practices. So far is this from being the case, that the disposition of every people is naturally hostile to agitators; indeed, it is so strongly in favour of government, that the general mass of a country never can be induced to see abuse until it becomes intolerable, or be persuaded to take measures of precaution against a contingent loss of property and liberty: nay, more, they will frequently even submit to the greatest evils of mis-government, before they venture to utter one word in their own behalf.

In the course of the war, however, some instances occurred, which could not fail to excite, in the minds of a sensible nation, a lively attention to the acts of its representatives. The strongest instance that I now recollect, is the resolution of this House, on the expedition to Walcheren, in 1809. That expedition was an instance of as singular misconduct and incapacity on the part of the government, as was ever displayed in any expedition sent out from

this country. There was nothing alledged in this House, either in support of the original plan, or of the mode of its execution. No untoward accident had happened to prevent its success; the enemy scarcely offered any resistance; every thing went on as well as the planner of the expedition could wish; and yet the result of it has been nothing but disgrace and calamity to the country. It was so fatal as to realize the cries of the children of Israel to Moses in the wilderness—"Because there were no graves in Egypt, hast thou taken us away to die in the wilderness?" And yet, upon that expedition, failing as it did in all its objects, attended as it was by the utmost disgrace and calamity, the House of Commons of that day was not contented with conferring a vote of silent approbation, but absolutely resolved upon a formal eulogium, and entered that eulogium upon its journals, in order to prevent the removal of the ministers who had devised and supported so absurd a project! This fact was so strong and so striking, that it convinced many who had before held different opinions, and made them feel that there was no community of interest between the Parliament that could sanction such an expedition, and a People which were execrating the planners of it, and calling for their condign punishment as an atonement to the thousands of their countrymen who had been unnecessarily and wantonly sacrificed. The result of that resolution of the House of Commons is, that the projector

of that most calamitous expedition is now the leader of this House, and the general who conducted its execution is in possession of one of the most splendid rewards that it is in the power of the Crown to bestow.

The general popularity, however, of the Spanish war—a war in which I confess that I took a very strong interest—and the hopes which the people had of overcoming that sovereign who appeared to aspire to the domination of the whole Earth, enabled ministers to cast a veil over the errors they had committed, and to conceal the faults of which they had been found guilty. The people again bestowed their confidence on the House of Commons, and certainly that confidence was taken advantage of in the fullest manner. Every abuse was promoted, every job was advanced, every opportunity was seized to turn the facility of the people to their own disadvantage, and to increase the heavy burthens under which they were labouring.

It was when the war was brought to an end that the question of Parliamentary Reform again attracted the attention and excited the feelings of the country. It then became a question between the two parties in this House, whether we should have a large, expensive military government, or a cheap, economical civil government. It was evident on which side the interest of the people was on such a question: it was also evident, that if the House of Commons fairly represented the people, it would speak in unison with the wishes of the people: but

it was likewise manifest, that if it did not fairly represent the people, it would provide for the private interests of its members, which, on that occasion, were directly opposed to the interest of the community. Here, then, we should have the House and the people at issue. The question was one from which the constitution of the House of Commons could be fairly ascertained: it was an experiment on the subject, which might very fairly be called *experimentum crucis:* it was then to be decided what were the nature of its claims to public regard and to public confidence. That question was decided, and was decided against the reputation of this House; for it voted a standing army of 99,000 men, and other establishments of corresponding magnitude.

On a former occasion I have shown, that those establishments, though they were sanctioned by a majority of the votes of this House, were not sanctioned by the majority of the members for counties. And here I may be permitted to observe, that the members for counties may be fairly considered as the real representatives of the people, though, from the expense incident to county elections, they are not now so completely popular as they would become were that expense to be diminished. Now it ought never to be forgotten, that the county members had opposed this immense military establishment by a majority of 3 to 2, whilst the House of Commons had sanctioned it by a majority in the very same proportion, and had imposed on the community those heavy burthens to which a great

part of their present sufferings might be fairly attributed.

In looking in a general view at the votes which have been given within the last four or five years, relative to questions of economy and retrenchment, a noble friend of mine, the member for Yorkshire, whom I do not now see in the House, has made a calculation of the manner in which votes have been given for ministers or against them by the representatives of the larger and the smaller towns. I have myself made a similar calculation from data, which I found in a pamphlet called the Elector's Remembrancer, stating the distinct votes of each particular member. My noble friend has formed his calculation chiefly from memory. I have taken my calculations from the book I have mentioned, without at all inquiring whether the parties were deemed ministerial or not. I have considered all those as ministerial voters who have never voted at all in favour of reduction, and have put down those as opposition members who have voted three times in favour of popular measures, even though they voted in general in behalf of ministers. I think that such a calculation is a fair test of virtual representation, and a fair test, also, of the value of an opinion which has been sometimes advanced in this House, that the members returned by the small towns are as much the representatives of the feelings of the people as those returned by the large towns.

In speaking of popular questions, I chiefly allude to those which refer either to the Queen or to Retrenchment. These two subjects have certainly

interested the country more than any others which have come before Parliament. I will now mention what were the results of the different calculations made by myself and my noble friend. I will give my noble friend's calculation first, premising, at the same time, that my noble friend considered as neutral those members who cannot fairly be said to support or oppose ministers constantly. In my calculation I have left out entirely those who appear never to have voted.

According to my noble friend, there are 33 boroughs, in each of which there are less than 1,000 inhabitants; out of the members for those boroughs 12 have voted against ministers, 44 for them, and 10 neutral. There are 35 boroughs, containing less than 2000 inhabitants each; of their members 15 vote against ministers, 45 for them, and 8 neutral. There were 76 boroughs, containing less than 5,000 inhabitants; out of the members for them, 48 vote against ministers, 93 for them, and 10 neutral. There were 25 boroughs, containing from 5,000 to 10,000 inhabitants each; out of the members for them, 22 vote against ministers, 27 for them, and 1 neutral. And in 31 boroughs, containing 10,000 inhabitants each, and upwards, there were 38 members against ministers, only 21 for them, and 5 neutral.

Now my own statement is not very different from that which I have just read to the House; and as the House has heard the one with patience, I will trespass on its attention with the other.

From the members of the boroughs under 500 inhabitants, there was one member in favour of reduction, and 19 against it. From the members of the boroughs containing from 500 to 1,000 inhabitants, there were 12 for, and 33 against reduction. From the members of the boroughs containing more than 1,000 and less than 2,000 inhabitants, 17 were for, and 44 against reduction. From the members of the boroughs containing more than 2,000, and less than 3,000 inhabitants, 19 were for, and 46 against reduction. From the members for the boroughs containing 5,000 inhabitants, there were 25 for, and 44 against reduction; and from those from the boroughs containing more than 5,000 inhabitants, there were 66 for, and only 47 against reduction.

Now the general result of this calculation goes to show, that the proportion in favour of ministers diminishes as the size of the places increases; for, combining the two calculations I have just read to the House, the proportion is in the first instance as 19 to 1 in their favour; in the second, as 3 to 1; in the third, as 2 to 1; in the fourth, as 4 to 3 in the fifth, as 3 to 5; so that in the last case it is 5 to 3 against administration, and for retrenchment.

Now these are facts which ought to convince the most incredulous, that the small towns do not represent the interests of the people as well as the large towns. They speak for themselves, and need no further illustration from me. But besides these

facts, others have occurred during this Session of Parliament, which afford results equally striking. I shall take two questions which have been discussed in it, and which undoubtedly are of great public interest and importance: the one relates to the salt-tax, the other to the office of post-master-general. Upon the salt-tax the numbers were 169 in favour of its continuance, and 165 in support of its abolition. Out of these 165 members, there were 42 for English and Welsh counties, and 55 for the large towns; of which towns there are altogether not more than 56; so that in this small number of 165, less than a third of the English members, we have nearly a majority of the whole number of English members for counties and large towns. Now out of the 169 members, who formed the majority on that occasion, I cannot make out more than 14 county members, though I can make out 61 placemen, of whom only 10 can be in any respect considered as nominees of counties or of large towns.

I trust, that after such a statement I shall not hear it averred again, that while the ministerial side of the House contains the representatives of large and populous towns, the opposition benches are filled with nothing but nominees sitting for rotten boroughs.

The division on the office of postmaster-general was still more decisively in favour of the proposition which I wish to establish. There were 159 members for the abolition, and 184 for the continuance of that useless office; so that there was

a majority of 25 in favour of the office and of ministers. Of the 159, 29 were the representatives of English and Welsh counties, and 40 the representatives of large towns, making together a total of 69. On the other side, I cannot make out more than 11 county members, and 23 members for large towns, making a total of 34: that is to say, that out of those members who were really elected by the people, there were 69 for abolishing, and only 34 for continuing the office.

If there be any fact that can make an impression upon the House, it is that which I have just mentioned. Upon that question we have an illustration of the admirable theory I before alluded to, and of which we have lately heard so much—I mean the theory that the House represents not only the people, but also the Crown and the House of Lords. Upon that question we had an instance of the representatives of the Crown and of the House of Lords overbalancing the representatives of the people, until they were completely merged in a minority; and be it observed, that the question upon which the representatives of the Crown and of the House of Lords so overbalanced the representatives of the people, was a question whether we should maintain an office that was in the patronage of the Crown, and had been conferred upon a member of the House of Lords. Let it be also recollected, that upon that memorable night the doctrine was first advanced, that useless offices ought to be maintained as a counterpoise to the increasing intelligence of the people—a doctrine

which my honourable and learned friend the member for Knaresborough (Sir J. Macintosh), with his knowledge of constitutional history, has declared to be altogether new; and at which even the honourable member for Corfe Castle (Mr. Bankes) has expressed himself to be alarmed; and let it also not be forgotten, that that doctrine, new and alarming as it was, has been sanctioned by those who were not the representatives of the people, but who personated on this occasion the House of Commons, and declared and avowed this theory as their principle of action.

I will ask any man who looked at this question —who saw the confusion of different branches of the constitution which was thus created—who beheld the public money unsparingly granted by those who were afterwards to reap benefit from the disposal of it—who perceived control assumed over the public expenditure for the purpose of more effectually sanctioning abuse, screening delinquency, and opposing the wishes and petitions of the people for reduction,—I will ask any man, who took all the points to which I have just referred into consideration, whether it is any exaggeration to say, that every lover of liberty ought to feel alarmed at the danger to which the British Constitution now stands exposed?

Having stated thus much of the practical evils resulting from the present system of representation, I must be permitted to observe, that there are other evils to which it has given rise, much more

grievous to a friend of freedom than any which I have yet mentioned. The natural balance of the Constitution is this—that the Crown should appoint its ministers, that those ministers should have the confidence of the House of Commons, and that the House of Commons should represent the sense and wishes of the people. Such was the machinery of our government; and if any wheel of it went wrong, it deranged the whole system. Thus, when the Stuarts were on the throne, and their ministers did not enjoy the confidence of the House of Commons, the consequence was tumult, insurrection, and civil war throughout the country. At the present period, the ministers of the Crown possess the confidence of the House of Commons, but the House of Commons does not possess the esteem and reverence of the people. The consequences to the country are equally fatal. We have seen discontent breaking into outrage in various quarters — we have seen every excess of popular frenzy committed and defended — we have seen alarm universally prevailing among the upper classes, and disaffection among the lower — we have seen the ministers of the Crown seek a remedy for these evils in a system of severe coercion — in restrictive laws — in large standing armies — in enormous barracks, and in every other resource that belongs to a government which is not founded on the hearts of its subjects. I may be told, that in the divisions which took place on the enacting of those restric

tive laws, the names of many friends of freedom are to be found. If I am obliged to admit this, and even that there are some personal friends of my own, for whom I bear the greatest respect as sincere partisans of liberty, who, nevertheless, have assisted in imposing those restrictions upon the people, which sweep away many of the provisions of Magna Charta and the Bill of Rights, and materially diminish the ancient privileges of Englishmen, I shall at the same time say, that I observe the occurrence with regret, and deplore the more the fatal mistake which has been committed. It is my persuasion, that the liberties of Englishmen, being founded upon the general consent of all, must remain upon that basis, or must altogether cease to have any existence. We cannot confine liberty in this country to one class of men: we cannot erect here a senate of Venice, by which a small part of the community is enabled to lord it over the majority; we cannot in this land, and at this time, make liberty the inheritance of a *caste*.* It is the nature of English liberty, that her nightingale notes should never be heard from within the bars and gratings of a cage: to preserve any thing of the grace and the sweetness, they must have something of the wildness of freedom. I speak according to the spirit of our Constitution when I say, that the liberty of England abhors the unnatural protection of a standing army; she abjures the countenance of fortresses and barracks; nor can those institu

tions ever be maintained by force and terror that were founded upon mildness and affection.

If we ask the causes, why a system of government, so contrary to the spirit of our laws, so obnoxious to the feelings of our people, so ominous to the future prospects of the country, has been adopted, we shall find the root of the evil to lie in the defective state of our representation. The votes of the House of Commons no longer imply the general assent of the realm; they no longer carry with them the sympathies and understandings of the nation. The ministers of the Crown, after obtaining triumphant majorities in this House, are obliged to have recourse to other means than those of persuasion, reverence for authority, and voluntary respect, to procure the adherence of the country. They are obliged to enforce, by arms, obedience to acts of this House, which, according to every just theory, are supposed to emanate from the people themselves.

Nor is it one of the least evils of this system, that the ministers themselves are often compelled to retract their measures and alter their policy. If the House of Commons represented the people, the ministers would have no other difficulty than that of making their measures palatable to that assembly. Once sanctioned there, they would naturally obtain the cordial and affectionate concurrence of the country. But, in the present state of things, ministers are obliged to follow a winding and uncertain course; they are to be seen

supplicating in one quarter, bribing in another, menacing in a third; they employ the whole session in courting the approbation of the great proprietors of the boroughs, and then, after the prorogation of parliament, they frequently find their whole web of policy undone by the sense of the country: and why? Because, in spite of the approbation of the House of Commons, a free press and a public opinion dare to condemn their conduct, and have power enough to prevent their measures being carried into effect.

Thus, to quote one instance among a thousand, after the House of Commons of 1816 gave their sanction to a standing army of 99,000 men, the remonstrances of the people have compelled the government, by repeated clamours, to reduce it to 68,000, only two-thirds of the original establishment.

Now, in proposing Reform, I propose a measure which must be for the advantage of a wise and good administration; nay, it ought to be wished for even by the present ministers. For my own part, I will confess that I have never seen in them any dark or dangerous designs of destroying the liberty of their country: all that I have been able to observe in them is little inclination to do any thing, either good or evil, so long as they were permitted to retain unmolested the advantages they derive from power, place, and profit. I believe, that in most cases it is perfectly indifferent to them whether the measures they carry are those which they themselves originally proposed, or those which

have been altered, framed, and dictated by the indignant sense of the country. I wish them, therefore, to find at once in Parliament an echo of the public voice; to have it in their power to avoid the odium and disgrace of carrying in this assembly measures which they afterwards abandon; to be able, without the delusive support of a majority not acknowledged by the country, to feel at once in this House the pulse of the people of England. Such a Reform, I am convinced, would be at once an advantage to the Crown, a blessing to the People, and the safety of the balance of the Constitution.

In these conclusions I am happy to think that I am supported by great weight of authority. Lord Clarendon, it is well known, speaking of Cromwell's parliament, in which the number of members for counties was greatly increased, and the smaller boroughs totally omitted, says, it was generally thought "a warrantable alteration, and fit to be made in better times." Mr. Locke complains of the representation of decayed boroughs, and particularly of Old Sarum. Without entering more into detail, I may say, that Mr. Justice Blackstone, Lord Chatham, Mr. Fox, and Mr. Pitt, all concur in recommending a temperate and rational Reform.

Thus you have the sanction of Lord Clarendon, the most venerable of Tory statesmen; of Locke, the most liberal of Whig philosophers; of Blackstone, the most cautious of constitutional writers; of Chatham, the boldest of practical ministers,

of Mr. Pitt, the theme of eulogy to one great party in this country; of Mr. Fox, the object of affectionate admiration to another. Such an union of the great authorities of men, however different in temper, however opposed in politics, of men forming their judgment upon the most different grounds, living in different times, and agreeing in their conclusions upon hardly any other topic, strikes me as presenting a moral combination in favour of my proposition, that is in itself almost irresistible. The opinions of the men whom I have named are blended in our minds with all that is venerable in our constitution and our laws; their united suffrage in favour of any new measure gives to the mind much of that confidence, which in general is only obtained by following the lessons of experience; it takes away from Reform all the ruggedness of innovation, and constitutes as it were a species of precedent in favour of the course which I am urging you to pursue.

Against these authorities I know of no equal names which can be adduced on the other side. There are, it is true, Mr. Burke and Mr. Windham, but they were both, perhaps, men who displayed more fancy than deep reflection in the view which they took of this question, and who have certainly left on record no confutation of the powerful arguments of the great statesmen, who thought differently from them on the subject.

Having now had the honour of stating to the House the unprecedented advance of the country of

late times in wealth and knowledge; having stated the great increase of corruption which has crept into the elections, and how much confined the popular force has become in influencing the various modes by which members obtain seats in this House; having also stated the practical injury which has ensued in the wide distinctions prevailing on some great public questions, between the opinions of the people of England and of the members of this House, I now come to the consideration of a plan, which I think calculated to remedy a great part of the existing evil. In considering what that plan should be, I have naturally directed my attention to the remedial measures which have been heretofore suggested by persons of weight and authority on this subject. The proposition of Lord Chatham was, to add 100 to the number of knights of the shire sitting in this House. Mr. Pitt, likewise, following the footsteps of his father, at first proposed an addition of 100 to the number of county members. Mr. Flood, in the year 1790, proposed the same numerical accession of strength to the representation, to be elected by householders throughout the country; and Mr. Fox at the time remarked, that the plan of Mr. Flood was the best he had ever seen submitted to the consideration of Parliament. Feeling, therefore, the weight and influence of such great authorities, I shall adopt their number in my present proposition.

My plan will then be, that a hundred new members shall be admitted into this House; and,

as far as I have formed any settled opinion about the distribution of that number, the leaning of my mind is, that 60 members should be added for the counties, and the remaining 40 of the 100 should be for the great towns and commercial interests of the country. However, as to the manner of distribution and the mode of election, that is a branch of the subject which ought to be reserved for the gravest and most deliberate consideration, after the present motion shall have been carried.

It may, however, be said, that since the time when Chatham, Pitt, Fox, and Flood called for an addition to the number of members in this House, their proposed number of 100 has, in point of fact, been added by the Irish Union, which it is known has given that numerical addition to our body. Nor is there any Reform more generally unpalatable than that which proposes to add to the numbers of this House, already rather too large than otherwise. In order to get out of this difficulty, I should say, that a number to the same amount as that given for the representation of Ireland might be struck out of the present list, with great benefit to the country; for instance, let the hundred be taken away from the hundred smallest boroughs, which return each two members to sit in Parliament. Let these boroughs return but one member each, and then the present number of the House will be retained.

In proposing this plan, I cannot but recal to the recollection of the House, that it was not long

ago since I hoped, that much of the real advantages of Reform might have been obtained by the detection of prevailing corruption at the borough elections, and the filling up of vacancies so detected by a more popular form. By these means it was possible that a great popular representation might have been introduced, to the exclusion of a wide spreading corruption. In the hope of accomplishing such a change, I moved for a committee last year, to consider of the means of legally convicting boroughs of notorious corruption; and I am not sure that, if the matter had been then taken up in a spirit of sincerity, it would not have effected, in a silent and gradual manner, an adequate Reform in Parliament. But to be efficacious, it requires the whole co-operation of this House, and such an aid, I am sorry to declare, I have not been so fortunate as to obtain. I am sorry that the House did not, on the occasion to which I allude, evince the sincere wish I had hoped for, to put down corruption. They agreed, it is true, to punish any specific act of corruption, whenever the particular case was brought under the consideration of Parliament; but they would not agree to enact the only measures which were calculated practically to put down the evil they professed so anxious a desire to correct. In that respect their conduct resembled that of a police magistrate, who should declare his readiness to convict any notorious thief who might be brought before him, but who at the same time should proclaim, that though he knew there

were bands of thieves nightly prowling through the streets, he would not send out a single officer of police to apprehend and detect them.

The indifference of the House to the measures I then proposed has compelled me to look for others more calculated to insure the co-operation of the country at large, and to obtain from the House, in the gross, that Reform which they were unwilling to effect by gradual and unpretending means. I therefore press for your consideration the plan which I have now opened; I think it the best and safest proposition which can be suggested for the remedy of a notorious and growing evil.

There are, obviously, many minor details, into which it is unnecessary for me now to enter, and which can only be conveniently considered in a future stage of this proceeding: such, for instance, is the discussion whether copyholders ought to be permitted to vote in the counties; but these matters, I repeat, had better remain over until after the introduction of a bill, defining the outline of my plan. The first step must be to ascertain whether the House will consider at all the question of Parliamentary Reform. If they once admit the necessity of the principle for which I contend, then I have no doubt they may hereafter, with little difficulty, become reconciled to the measures for its practical application. I think, under such circumstances, the modification of details might easily be accomplished. Leaving, therefore, all these details for future con-

sideration, I will shortly state the answers that strike me as applicable to some of the objections, which I have heard from time to time made to the expediency, if not to the principle, of Parliamentary Reform.

The first and most plausible objection against any alteration in the present constitution of the small boroughs is, that they constantly furnish the means of bringing into Parliament men of great talents. This is an advantage which I am not in any way disposed to undervalue; but it is one which I submit would remain after my plan is adopted. I have no objection that a number of these boroughs should remain as they now stand; but what I object to respecting them is, that the small boroughs are so numerous, according to the present system, as not only to have their proper weight in the scale of the representation, but to have, in addition, the means of commanding a preponderating majority in Parliament. They thus give the sanction of a general parliamentary assent to measures, which have in the main received only the concurrence of a number of individual borough-proprietors. We are thus, for the sake of obtaining a few men of talents, sacrificing the great end of parliamentary representation, the expression of the feelings and interests of the people. In order to preserve the show, we are giving up the substance of a legitimate House of Commons:

Thus, if you dine with my Lord May'r,
Roast beef and venison are your fare;
But tulip leaves and lemon peel
Serve only to adorn the meal;
And he would be an idle dreamer,
Who left the pie and gnaw'd the streamer.

The next objection to which I shall advert, is founded on that inveterate adherence to ancient forms, however unsuitable, to old practices, however abusive, which influences so greatly the decisions of the English Parliament. As this objection has its strength more in the feelings and affections, than in any logical argument upon which it is grounded; as it rests on superstition rather than on reason, I know not how to meet it better than by referring to an example in ancient story. The instance I allude to occurs in the history of Rome; and here I must intreat the attention of the honourable member for Corfe Castle, who may be styled the Tory commentator, as Machiavel may be styled the Whig commentator, on Roman history. About 370 years after the foundation of Rome, there arose a contest, not very unlike the question we are now debating, whether the two consuls should continue to be chosen from the patricians, or whether one should be chosen invariably from the plebeians. Appius Claudius, who was the prime advocate of aristocracy and existing institutions in that day, argued, that the greatest evils would follow if any change was made in the ancient forms. He contended, particularly,

that none but a patrician could take the auguries—that if any alteration were made the chickens would not eat—that in vain they would be required to leave their coops. The language given to him by Livy is, "Quid enim est, si pulli non pascentur? Si ex caveâ tardius exierint? Si occinuerit avis? Parva sunt hæc: sed parva ista non contemnendo majores nostri maximam hanc rem fecerunt." Such was the reasoning of the Roman senator: reasoning, be it observed, not very different from that which is used to show, that our whole Constitution will be subverted if any invasion is made upon the privileges of Old Sarum. But what was the result? After a successful war against a foreign enemy, Camillus, the dictator, had to encounter the most dangerous seditions at Rome, raised on this subject of the consulship. What did he and the senate do? It will be imagined that they passed restrictive laws; that they prohibited public meetings of more than fifty persons in the open air; that they punished the seditious orators, and restrained the liberty of speech for the future. No such thing. They assented to the petitions of the people. "Vix dum perfunctum cum bello atrocior domi seditio excepit: et per ingentia certamina dictator senatusque victus, ut rogationes tribuniciæ acciperentur; et comitia consulum adversâ nobilitate habita quibus L. Sextius de plebe primus consul factus." And what was the consequence? Discord and calamity? Quite the reverse. After some further contest, the whole

dispute terminated in favour of the people, and the senate, to celebrate the return of concord between the two orders, commanded that the great games, the *ludi maximi*, should be solemnized, and that an additional holiday should be observed. Rome increased in power and glory; she defeated the Samnites; she resisted Pyrrhus; she conquered Carthage; nor in the whole of her famous history is any complaint to be found on record, that the chickens declined to eat, or that they refused to leave their coops on account of the plebeian consul.

The honourable member for Corfe Castle, in relating this circumstance, attributes the concession of Camillus to two reasons: first, that he thought it prudent to grant what could not long be refused; and secondly, that he was weary of bearing popular odium. Now I beseech the honourable member to follow the example of Camillus: let him grant what we cannot much longer refuse; without danger to ourselves and ruin to our country. Let him rest satisfied with the odium we have already acquired, and consent to change a course which has made us so obnoxious to the people of England.

Another objection, which I have heard made to Reform is, that the people, if not numerically, are at least virtually represented; and as the clearest proof of their agreement in the judgment of Parliament, it is stated, that when that judgment is once pronounced, they acquiesce in it without resistance, and the agitations upon that subject

immediately cease throughout the country. This is to my mind any thing but a test of popular confidence in the wisdom of Parliament. The acquiescence, thus spoken of, is what in fact has constantly appeared in the conduct of the people under every government throughout the world. For it is one thing for the people to complain, pending the agitation of any question, and another and very different matter to incur the risk of criminality, by declaring any violent dissent from the final adjudication of the constitutional authorities under which they live. The practice of the people is to express their opinions while a great question is undecided; but when the decision of the supreme magistrate once takes place, they have only to choose between bowing to his authority, or acting in rebellion to his power. The people of England, who are distinguished above all other nations for their respect to law, whose characteristic is a submission to what has been adjudged to be legal, know very well that a decision of the king and his ministers may be altered, but that, once confirmed by Parliament, the act is complete and final: therefore, while a measure is ministerial, they complain; when it becomes parliamentary, they are silent. But nothing is more irrational than under such circumstances to infer the approbation of the people from that silence. When the Parliament decided upon the propriety of omitting her late Majesty's name from the Liturgy, did the people, because they then

petitioned no more, acquiesce in the justice of that decision? Were they, when they abstained from remonstrating against the continuance of two post masters general, to be supposed as adopting the decision of this House, that two were necessary? All that ought to be inferred from the people's silence, when so situated, is, that a sufficient case for actual resistance had not yet occurred, and that it was useless for them to protest against the decision of Parliament. I think the people judge wisely, because, in the times in which we live, the abuses they endure, though flagrant, do not amount to a justifiable ground for actual resistance. But let not any thing be inferred from their obedience, even if pushed still farther. The people, under the very worst species of tyranny, are often found sullen and silent victims. Does the House not know the perfect obedience which was paid to the acts of James II? Was that tyrant not surrounded in his worst hour of misgovernment by adulatory lawyers, by subservient addressers, by servile surrenderers of corporate rights—in short, by every being who was ready to prostrate the liberties of his country? Did not James enjoy the full measure of this sort of obedience until the evils of his misrule at length compelled him to abandon his throne? Was not the Russian Emperor Paul, notoriously tyrannical as he was, obeyed by the vast popula tion of his empire during years of oppression, and up to the moment when the bowstring put an

end to his despotic career? Was not Ferdinand of Spain obeyed when he signed with his own hand the death-warrants of his best subjects, until at last the flame of popular discontent, which remained so long smothered, burst forth in the blaze of rebellion, and consumed all the bulwarks of his arbitrary rule? No doubt that, in the day of these tyrannic acts, the inflictors of them thought, as some men are disposed to think here, that the people were in willing and satisfied obedience because they abstained from open resistance; and there were bad advisers to press for the continuance of fatal and desperate measures, until at length they became intolerable, and recoiled upon the heads of the abettors of them with ruin and destruction. The same fate will befal England, if similar measures are pursued to a desperate extremity. Suppose a war arose, not of the people's own seeking, though the minister were to secure for it the approbation of Parliament—suppose it led to bankruptcy and general confusion—in that melancholy hour, what answer would the uniform opposers of Reform have for those whose advice, if timely attended to, would have saved the institutions of their country? What security would you have then, that the Reform which has not been made from within, may not come with a vengeance from without?

And now, lastly, I come to an objection, which, in the failure of all other argument, after the defeat of every specific and tangible objection, is always

brought forward as a complete bar to every proposition of Reform. This consideration, which addresses itself rather to the nerves than to the understanding of those on whom it is meant to operate, is the example of the civil wars of England and the French Revolution. I likewise beseech your attention to the civil wars of England and the French Revolution; but I beg of you that it may be a sober attention, worthy of men and of Englishmen. And first let me ask, will any man say that it would have have been right to permit Charles I to abolish parliamentary government, to levy money by his own authority, and supersede the ancient liberties of England by the doctrine of divine right? — that it was not lawful and praiseworthy to resist a system of despotism, not intended, not projected, but actually established in England in the early years of that reign? Or will any man say, that the mean debauchery of Louis XV was a fit employment for the resources of a great nation like the French? That the abuses of the French government did not require reform? If there be any man who will say this, let him enjoy his opinion if he will, but let him not presume to think himself worthy to enjoy the benefits of the British Constitution; and, above all, let him not venture to think his counsels can be listened to in a British Parliament.

I assume, then, and let us now confine our attention to one of the two countries—I assume, that Lord Clarendon, and Lord Strafford, and Lord Falkland were right in their early opposition to

the misgovernment of Charles I. But why not stop, it will be said, like Lord Clarendon and Lord Falkland? Alas! Sir, who shall say that the policy of Lord Clarendon and Lord Falkland would have procured for us a system of liberty? Who will venture to lay his finger upon that point in the history of Charles I, when it would have been possible to save the monarchy without losing the constitution? Who shall presume himself to possess more learning than Selden, more sagacity than Pym, more patriotism than Hampden?

The question, in fact, was involved in inextricable difficulty. From all I have read, and all I have thought upon this subject, I take the cause of that difficulty to be this: The aristocracy were divided; they were divided between a larger party, who were satisfied to bear arbitrary power for the sake of property and tranquillity; and a smaller party, who were ready to sacrifice property and even life for the sake of destroying arbitrary power. But this last party, being the minority, were obliged to call to their aid the assistance of the people. Now the history of the world shows, that to accomplish great changes in government by the active agency of the people, is a task of great hazard and uncertainty. The people, in a state of agitation, are, in times like those I speak of, naturally suspicious; they awake from a dream of confidence, and find that their facility has been abused by those rulers in whom they had implicitly trusted. In this wreck of all their established reliances, in this anxious desire for the

benefits of freedom, in this tremorous apprehension of falling back into slavery, what wonder is it that their fears should be continually roused, that they should listen to accusations even against their best friends, and that, with a mixture of zeal and timidity, they should destroy the beautiful temple at the same time that they tear down the foul idol that it contains? What matter of surprise is it, that, unable to know exactly the truth, they should rase the very foundations of a society under which they have so greatly suffered?

But how are these evils to be avoided? How are these natural and usual calamities, attendant on popular revolutions, to be averted? By a united aristocracy. History here, too, tells us, that if great changes accomplished by the people are dangerous, although sometimes salutary, great changes accomplished by an aristocracy, at the desire of the people, are at once salutary and safe. When such revolutions are made, the people are always ready to leave in the hands of the aristocracy that guidance which tends to preserve the balance of the government and the tranquillity of the state. Such a change was the expulsion of the Tarquins from Rome; of James II from England. These were revolutions accomplished without bloodshed and confusion, by the influence of an united aristocracy. I call upon the aristocracy of England, therefore, now to unite to make that change safe, which, if they do not unite, may be dangerous, but which will not be the less inevitable. I call upon the Tories to stay the progress of abuses, which must end in the

convulsion of the state. I appeal still more confidently to the Whigs to unite for a similar object. If I know any thing of Whiggism, the spirit of Whiggism is to require for the people as much liberty as their hands can safely grasp at the time when it is required: and I am so far from agreeing to the flimsy accusations sometimes made against the Whigs, that I think, looking at their conduct from the beginning, their chief fault has been a fault of policy, in asking for more freedom and more securities for freedom than the people wished or could retain. The Exclusion Bill and the whole life of Mr. Fox are instances of this observation. When at the revolution, however, the government of this country was settled, the Whigs retained in their own hands the boroughs which they were able to influence. I really believe that to this measure the settlement of the house of Hanover is mainly owing. During the reigns of the two first kings of the house of Brunswick, the county members consisted almost entirely of the most determined Tories; and had they prevailed, we should probably have seen upon the throne the descendants of James II, granting, perhaps, more securities for our religion, but not more guarantees for our liberty than James himself. I think, therefore, the Whigs were fully justified in retaining a certain quantity of borough influence, which they could not otherwise have justly held. But now, when the people are enlightened, and fully capable of understanding their own interests, the Whigs will act wisely if they yield to the increased intelligence

of the country a due share in the return of their representatives. As they formerly retained the boroughs to secure liberty, let them now for the same noble object consent to part with them. Let them show to the country, that if Reform is impeded, the Whig aristocracy stands free from the charge of hindering its progress from any personal and selfish interest of their own. In so doing, they will give energy and effect to their opposition in Parliament; for, I do not wish to conceal it, the possession of these boroughs has lessened the energy of their efforts in support of the liberties of the country. They have been able to state with less firmness and frankness, than they might otherwise have done, the causes of the misgovernment of the country; and the people, on the other hand, seem to feel that the Whig aristocracy retain something which properly belongs to themselves. Hence the union between the party of the people within and without the walls of Parliament has been less cordial than it would be if the Whigs were content to yield something to the popular desire for Reform: I beseech them to do so; but not them only; all the aristocracy of the land. Sir William Temple, a wise and amiable man, but whom no one will accuse of being too great an enthusiast for liberty, has said, that this great nation never can be ruined but by itself; and that, even in the greatest changes, if the weight and number rolled one way, yet England would be safe. I beseech you that the weight and number may roll one way; I beseech the possessors of great property to consi-

der how nearly it concerns them to retain the affections of the great mass of the people. I beseech you, that, throwing aside all feminine fears, all pedantic prejudices, and all private advantages, you will consider only your duty as men, the wants of the age in which we live, and that permanent and pervading interest which we all have in the maintenance of the English Constitution. May you remember, that the liberty which was acquired for you by your ancestors will be required of you by your descendants: then will you agree to a temperate and timely Reform, reconcile the different classes of society, and prevent a convulsion which may involve all in one common ruin. Then may that proud Constitution, which has now subsisted in maturity little more than one hundred years, continue to maintain the spirit of its freedom, and extend the sphere of its salutary influence, until its existence vies with that of the most durable institutions that ever were reared for the happiness of mankind in any age or in any country.

I now move: That the present state of the Representation of the People in Parliament requires the most serious consideration of this House.

After some debate, the House divided—

Ayes	164
Noes	269
Majority	105

THE END.

CHARLES WOOD, Printer
Poppin's Court Fleet Street London

LETTERS

TO

LORD JOHN RUSSELL,

UPON HIS

NOTICE OF A MOTION

FOR A

REFORM IN PARLIAMENT.

LONDON:

PRINTED FOR JAMES RIDGWAY, PICCADILLY.

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LETTERS

TO

LORD JOHN RUSSELL.

LETTER I.

MY LORD;

YOUR Lordship has, upon more occasions than one, submitted a motion to the House of Commons for the purpose of instituting an inquiry into the constitution of that body; and you have publicly signified your intention of renewing such a motion in the ensuing Session of Parliament.

The circumstances of the times, my Lord, are peculiarly favourable to the discussion of this question; and as it is now a matter of certainty that a new parliament is to be summoned in the present year, it is the occasion of all others for placing before the people of England the real and precise state of their present representation in Parliament.

In presuming to address your Lordship upon this subject, I beg leave to state to you at once my apology for so doing; I think, then, that whenever the question of Parliamentary Reform has been hitherto agitated, either within or without the walls of Parliament, the arguments in support of it have been founded too exclusively upon those facts, which are within every man's observation, respecting the nature and exercise of the elective franchise, whilst little or no reference has been had to the *law* of the case, or, in other words, to the original formation of the House of Commons, and the true and real objects for which it was so formed.

Nor can this limited consideration of the question excite much surprise: the elective franchise, as at present exercised in our borough representation, is in itself so obvious and intolerable a grievance, so variable and capricious in its title, so limited in its extent, so totally inadequate, in short, to supply the representation of such a country, and so openly abused withal, by those who monopolize and traffic in that article, that reasonable men demand no other proofs, of the necessity of some change in such a system, than what they see pass daily before their eyes.

In addition to this, too, it may be observed, that there is no subject upon which the nation at large is involved in greater darkness, or rather

error, than in whatever concerns the original construction of the House of Commons. We are accustomed to hear the rights of the constituent or elective body spoken of in terms of such respectful awe, so much is told us of sacred charters and immemorial usage, that the mass of the nation is naturally led to believe, that at the original creation of the House of Commons, particular cities and boroughs were fixed upon by name, which were to supply that assembly with delegates or members; that such cities or boroughs were in possession of charters, or other instruments, which gave them specific authority so to do; and that this their original title, under deed or patent, has been since confirmed by invariable and uninterrupted usage to the present day.

Now the object I have at present in view, in addressing your Lordship, is to endeavour to prove to your conviction, that every part of this popular belief is pure delusion, and that in truth our borough representation, in its present practice, is founded alone upon perversion and usurpation: and if I shall have the good fortune to succeed in this attempt, then I trust the nation will possess the advantage of having the same conclusion expounded and enforced with all the authority of your Lordship's name. In presuming to undertake this task, I adopt the form

of a letter, as the most simple and familiar, and as such the best suited for my purpose; and as the subject is composed of many parts, a division of it into different letters may render the whole still more distinct and intelligible.

In the outset, however, of this undertaking, I take the liberty of suggesting to your Lordship the absolute necessity of renewing another motion, which you formerly made without success; I mean for the production of all ancient parliamentary writs, and the charters of all cities and towns which now send members to the House of Commons: it is utterly impossible to proceed in our inquiries without this collection of evidence for our guide; and a further consideration of the subject must satisfy every man, that the right of the nation to be supplied with this light is at once clear and irresistible.

For the last five and twenty years the House of Commons has been occupied in printing and publishing, at great public expense, a great variety of ancient records of the kingdom; works, no doubt, of value and utility to the learned and the curious; but those ancient records of the kingdom, in which its whole population has the deepest interest, are those which disclose the original formation of the House of Commons, and the title of those who were meant to sit in it. In addition, too, to this unanswerable claim

of the nation to such instruction, it is happily supported by a precedent equally irresistible. This very evidence, which was refused upon your Lordship's application, has been already in part collected, for the express benefit of the nation; and under the special sanction of royal authority. I refer to Mr. Prynne's invaluable collections of parliamentary writs; and I beg to remind your Lordship of the very striking circumstances under which those learned compilations were made.

Every one is acquainted with those severe and ignominious punishments, which were inflicted upon Mr. Prynne, for the boldness of his writings against the high church party, in the reign of Charles the First; and it is equally well known, that his consistent hostility to arbitrary power, brought down upon him afterwards the further vengeance of the Protector's government, Mr. Prynne being then expelled the House of Commons, and closely confined in various prisons. It was during this latter period that he made and published his first collection of parliamentary writs, under the title of "The first part of a Brief Register, Calendar, and Survey of the several kinds of Parliamentary Writs, &c. &c. &c." And he assigns in his preface to this work, as one of his grounds for undertaking it, "the great lack there was of diligent, faithful collec-

tions and publications of all the choicest records, proclamations, writs, letters, charters, commissions in the Tower or elsewhere, which concern the liberties and properties of the subject." Having published this first part of his work, and afterwards a second one, from such materials only as his own marvellous industry and research could supply, the restoration of Charles the Second took place, and with that event ended the persecution and captivity of Mr. Prynne.

To us, who are advanced one hundred and sixty years in history from that period, in an age, as we justly think, of greater liberty and much more general knowledge, it must appear almost incredible, that the evidence, which your Lordship in vain demanded from the House of Commons, respecting its history, was gratuitously tendered by Charles the Second to Mr. Prynne. Let us always recollect, that Mr. Prynne's avowed object was an inquiry into the title of the House of Commons—the evidence which he wished to consult, the records in the Tower—and the cause which he wished to promote by such inquiry, "*the liberties and properties of the subject;*" and it was under these circumstances that Charles the Second was advised to place the records of the Tower at the absolute discretion of Mr. Prynne: nor was this all, for, by way of reward for his past industry, and as a stimulus to further

exertions in these inquiries, that Sovereign appointed him keeper of the records of the Tower, with a salary of 500*l.* per annum annexed to that office. As to what the result was of Mr. Prynne's further inquiries, when these authentic sources of knowledge were laid open to him, I will leave that learned person to speak for himself. He shortly afterwards published a third part of his Brief Register, &c. of Parliamentary Writs, which he very naturally dedicated to Charles the Second; and a few extracts from that dedication give us at once the history of his appointment, and of the additional information he derived from it. He begins—"Most gracious Sovereign, that Divine Omnipotence, and wonder-working Providence, which effected for your Royal Majesty no less than a resurrection from the dead, hath by that your most glorious resurrection raised up from the very grave of oblivion and corruption these ancient writs, returns, and records, which I here most humbly dedicate to your Majesty as the first fruits of that studious employment yourself was pleased to find out for me as most suited to my genius, &c." And then, having stated in detail how he examined the Tower, he goes on—"In this my late search (besides other useful records, and sundry rare antiquities relating to the Parliaments of England) I found no less than ninety-

seven parcels of original writs, for so many parliaments' summons, issued to sheriffs and others during the reigns of King Edward I, II, III, Richard II, Henry IV, V, VI, with their respective returns, cedules, indentures dispersed in broken fragments; all which, with extraordinary pains, I have since marshalled into distinct bundles, in an alphabetical, chronological method, *for publick use and ready search*, with the most remarkable returns, cedules, indentures relating to the respective counties, cities, boroughs, ports (cinque ports) of England, *and especial observations of or from them concerning the number, original erection, continuance, discontinuance, revival of all antient cities, boroughs, ports of England sending members to parliament*, besides other rare parliamentary writs and returns newly discovered, for the most part unknown to the greatest antiquaries and lawyers of past ages, here methodically digested into thirteen sections; *all which I most humbly recommend to your Majesty's royal protection, to preserve their memories alive, for the benefit of posterity, when I am dead and interred in the grave of corruption from which I raised them.*" And in concluding this dedication, Mr. Prynne adds, "In pursuance of my uncompleated calendar and survey of all sorts of parliamentary writs, I thought it right to publish these revived parlia-

mentary writs and returns as a supplement to the second part thereof, to which it properly relates, till I shall have time to compleat all its remaining parts, to which my new discoveries in the White Tower contribute many materials, *as they have done towards the detection of sundry late poor upstart, unnecessary, superfluous boroughs, erected without charter or prescription, which overrun committees of privileges with corrupt, tumultuous, double, yea treble returns, and the House itself with supernumerary members, to the great retarding of your Majesty's and your kingdom's arduous affairs.*"

Such, my Lord, is (in part) the substance of those researches into the history of our House of Commons, which were made by the most learned man of his age, from the most authentic sources, and which were promoted and paid for by the crown, for the express use and benefit of the nation.

It unfortunately happens, however, that the light of Mr. Prynne's discoveries has never yet reached the nation; the superabundance of his matter, and the defective arrangement of it, may have been amongst the primary causes of this failure: it is said, too, that a great part of the impression of this work was destroyed at the house of his printer, in the great fire of London: and we know, that in our own times these works

are so rare, and of such a costly value, as to be found only in public libraries, or in those of the wealthiest private individuals.

Under these circumstances, my Lord, I apprehend the course to be adopted is obvious and clear. The materials for an inquiry into the history of the House of Commons having been regularly granted to the public by the crown, cannot now be withheld by the House of Commons itself; and it is the bounden duty of that body, either to order these works of Mr. Prynne to be reprinted, or else, by the means of one of its Committees, to make such an arrangement of the different matter contained in them, as will at once present a faithful history of the origin and progress of our national representation, and to print and publish it for public use.

If we knew nothing more than what we learn from Mr. Prynne's dedication to Charles the Second, that his discoveries in the Tower had contributed many materials "*towards the detection of sundry late poor upstart, unnecessary, superfluous boroughs, erected without charter or prescription,*" we should be in possession of sufficient matter to excite the deepest and most universal interest in the nation; but such discoveries derive great additional importance from historical events, which have since succeeded them. From the period when Mr. Prynne wrote,

one hundred and sixty years now past, these "late poor upstart, unnecessary, superfluous boroughs, erected without charter or prescription" have presented one unvaried scene of litigation and vexation: the bribery and corruption practised in them, by electors and elected, have been so notorious, that statutes upon statutes have been enacted for the purpose of punishing both classes of those offenders. The House of Commons has been so jealous of any inquiries into the legal or constitutional title of these boroughs, that it has permitted no other law to approach the subject but its own; and having thus taken all control over such matters into their own exclusive jurisdiction, these judges themselves have become so partial and corrupt, that at length, of their own free will, they have proclaimed and enacted by statute, that they were no longer worthy of confidence in their decisions, unless previously bound by the solemnity of an oath. It is true, that this Act of the 10th of Geo. III, or as it is commonly called Mr. Grenville's Act, in transferring the jurisdiction over election cases, from the House of Commons at large to select committees upon oath and chosen by ballot, was a considerable improvement upon the preceding practice; though it still has left a most defective tribunal, as the only

one to decide upon questions of such vital importance; but the great injury to the Constitution had been already effected before the passing of Mr. Grenville's Act; during a century and more, which intervened between Mr. Prynne's discoveries and the passing of that act, the House of Commons had pronounced its decisions upon the right of voting, in the cases of a great majority of the boroughs of England; and although eventually these judges renounced their judicial functions, upon the express ground of their abuse of them, still their former unjust judgments constitute at this day the only existing law upon such subjects.

Under all these united circumstances, my Lord, I submit, that the subject of Mr. Prynne's discoveries, "the late poor upstart, unnecessary, superfluous boroughs, erected without charter or prescription," is at this time as entirely open for decision or revision as it was at the period when such discoveries were made; and I further submit, that the people of England have an undoubted right to pronounce for themselves their own opinions upon this important question: they have a much deeper interest in it than the House of Commons; they are quite as competent to form a just conclusion; and it may be said without offence, that their decision is certain to be

at least as honest: that authentic information, which alone can guide them in this inquiry, has been already and expressly furnished them, and the time is come when they have a right to use it.

Before I close this Letter, my Lord, I beg to refer you to another work of Mr. Prynne, as alike essential to public instruction upon these subjects—it is a fourth collection of writs, made by him from the Tower, and though they differ in their nature from those before referred to, they form an equally component part of the original edifice of the House of Commons. Mr. Prynne dedicated this work to Lord Clarendon, and I adopt my former course in extracting from that dedication the author's own account of his work. "In this fourth part of my register I have published all writs, petitions, acts, cases, relating to the wages of knights, citizens, burgesses, whose future revival (in my apprehension) is likely to prove the most effectual means to prevent all undue, unworthy, abusive, profuse elections, now much complained of, and to quicken all members to the diligent discharge of their duties.

"My general design in this publication is to communicate the knowledge, revive, perpetuate the memory, discover the excellent uses of these

unknown, forgotten, discontinued old writs and records (now reputed useless) to the world; thereby as much as in me lies through your Lordship's and other public spirited persons' assistance, to reduce our modern, over-tedious long sessions, acts, debates, proceedings in parliament to their pristine brevity; our old overstrained and now surmised privileges of parliament (grown grievous to the people, and great obstacles to public justice) to their antient strict, inoffensive, legal bounds; all undue, disorderly, ebrious, corrupt, expensive elections, to their primitive integrity, sobriety, freedom, *sine prece, sine pretio, sine poculo;* and all elected knights, citizens, burgesses, barons of parliament to their old, diligent, constant attendance on and prosecution of the grand affairs of the king, kingdom, church, for which they were summoned, from the beginning to the end of each session, without one day's absence, neglect, or protraction of their parliamentary work, &c. &c."

I trust, my Lord, that I have now adverted sufficiently to the works of Mr. Prynne to show the great importance of their matter, and the necessary foundation which it makes for that inquiry of which you have given notice; and as I have presumed to suggest to your Lordship an application to the House of Commons to be sup-

plied with those materials, as the first and preliminary step in your proceeding, so I will make this Letter preliminary only to such observations as on a future occasion I shall have the honour to submit to you upon the subject matter of your motion itself.

I have the honour to be,

My Lord,

&c. &c. &c.

LETTER II.

MY LORD;

In my preceding Letter, I have taken the liberty of directing your Lordship's attention to the learned collection of parliamentary writs by Mr. Prynne, as the necessary foundation for that motion of which you have given notice, respecting the Representation of the People in the Commons' House of Parliament; and I shall now avail myself of those sources of information, in recurring to the first formation of that assembly, and in endeavouring to point out to you the successive changes which have been made in it, till at length its original constitution has become entirely subverted and reversed. In adverting to so remote a period as that in which the House of Commons was created, it is fortunate that we have no controversy to encounter: it is admitted by all, that cities and boroughs were never summoned to send deputies or members to the grand councils of our kings, before the reign of Henry the Third, or that of his successor Edward the First; and as the first writ of summons to cities and boroughs, that is extant, is dated the

twenty-third year of the reign of Edward the First, that period is adopted, not only by Mr. Prynne, but by Dr. Brady, in his History of Boroughs, and by Mr. Hume, in his History of England, as the one in which our House of Commons was first formed; and that writ is equally adopted by those writers as containing the original law and constitution of parliament. In transcribing this writ from Mr. Prynne, it is only necessary to observe, that it was issued to the sheriff of every county of England, though the one in question is addressed to the sheriff of Northamptonshire, and runs as follows:—

"The king to the sheriff of Northamptonshire, greeting. Because we desire to have a conference and treaty with the earls, barons, and other great men of our kingdom, to provide remedies against the dangers the same kingdom is in at this time; therefore we have commanded them that they be with us at Westminster on the next Sunday after the Feast of St. Martin, in winter next coming, to treat, ordain, and do, so as those dangers may be prevented. We command and firmly enjoin thee, that without delay thou dost cause to be chosen and to come to us at the time and place aforesaid, two knights of the county aforesaid, and of *every* city two citizens, and of *every* borough two burgesses of the most discreet and fit for business; so as the said

knights may have sufficient power for themselves and the *community* of the county aforesaid, and the said citizens and burgesses may have the *same* power separately from them for themselves and the *communities* of cities and boroughs, then to do in the premises what shall be ordained in the common council, so that for defect of such power the business aforesaid may not remain undone, and have there the names of the knights, citizens, and burgesses, and this writ. Witness the king, at Canterbury, the 3d day of October."

Such, my Lord, was the writ which created the House of Commons, it was the written law and constitution of parliament, and, what is more, it remains the law to the present day, with the exception of such parts of it only as have been altered by statute, and which I shall have occasion to advert to hereafter; but before I proceed to examine that instrument in detail, I think it right to add, in this place, another writ, which was issued by Edward the First, on the same occasion, because it states still more distinctly the grounds and principles upon which that sovereign formed our national representation, as well as the particular circumstances which immediately led to it: this writ was issued to the Archbishop of Canterbury, and in the following terms:—

"The king to the venerable Father in Christ,

and by the same grace,' archbishop of Canterbury, &c., greeting. As the most just law established by princes doth appoint *that which concerns all should be approved by all,* so it evidently shows, *that dangers common to all should be obviated by remedies provided by all.* You understand sufficiently, and, as we believe, 'tis now divulged through the whole world, how the king of France fraudulently surprised Gascony, and yet detains it from us. But now, not content with that, he hath provided a great navy and army, with which he hath invaded our kingdom and the inhabitants thereof, and intends to destroy the English nation and language, if his power were answerable to his detestable purpose, which God avert. Because, therefore, foreseen attempts do less hurt us; and not only you chiefly, but the rest of the inhabitants of the kingdom are also concerned in this matter; we command, firmly enjoining you in the faith and love by which you are bound to us, that on the Sunday next after the Feast of St. Martin next coming, you be at Westminster, &c. &c., then and there to treat, ordain, and appoint, with us, and the rest of the prelates, great men, and *other inhabitants* of the kingdom, how to prevent these dangers and designed mischiefs."

We see, my Lord, at once in these two writs,

both the foundation and the structure of our first House of Commons; that the imminent danger of the state was the immediate occasion of its creation; and that it was meant to be that general appeal to the nation which alone could resist that danger. With these obvious conclusions, as to the general design of the first institution, I return to that writ which actually created it; and the first and most important part to be observed upon, and the one which is never to be lost sight of, is that in which the sheriff is commanded to cause to be chosen of *every* city in his county two citizens, and of *every* borough two burgesses, because this general appeal to *every* city and *every* borough in the kingdom, was not only in strict conformity to those principles upon which the king professed to form his parliament, but it destroys and negatives in its very terms that delusion, which is so universal in the nation, that our House of Commons was constructed upon special charters, granted to particular cities and boroughs only, and containing in them specific powers or authorities for the election of deputies or members. It can never be sufficiently repeated, that there were no such charters; that the only charter, which gave any right of election to any city or any borough, was the writ first cited, and that writ gives such right expressly

to *every* city, and to *every* borough, and to the sheriff alone the power to summon them.

It is some apology for that error so generally diffused, as to the original formation of our House of Commons upon special or particular charters, that Mr. Prynne appears himself at one time to have inclined to adopt it; and I have selected, therefore, the following passages from his collection of revived writs, because they show at once his former doubts and their subsequent removal. "Some," he states, "conceive, that the power of boroughs or cities electing, sending burgesses and citizens to our parliaments, proceeded originally from some *ancient charters* of our kings heretofore granted to them; to which opinion I once inclined; but the consideration of the old *original returns* of writs, for electing knights, citizens, and burgesses, I found in Cæsar's Chapel, hath rectified my former mistake herein, and abundantly satisfied me, that neither bare antient custom or prescription, before or since the Conquest, nor our king's charters, but the sheriffs of each county's precepts and returns of elections of burgesses and citizens, for such boroughs and cities as they thought meet, by authority and power granted to them in and by this general clause in the king's writs of summons issued to sheriffs of counties before every parliament—'We command and firmly enjoin,

that thou dost cause to be chosen and to come to us, of *every* city two citizens, and of *every* borough two burgesses,' &c. &c.; by virtue of which general, indefinite clauses, of *every* city, and *every* borough, used in all writs of summons ever since the twenty-third of Edward the First, without designating what particular city or borough by name, within each county, the sheriff should cause to elect or send two citizens or two burgesses, but leaving it to each sheriff's liberty and discretion to send the writ directed to him, or precepts grounded upon it, to what cities, boroughs he pleased."

With these two facts, thus irresistibly established, that every city and every borough were to be summoned to send deputies to parliament, and that the sheriffs of counties alone were commanded to carry those summonses into execution, it remains to be ascertained what, in point of fact, was the result of these commands, or in what manner they were acted upon by the sheriffs. And here I must direct your Lordship's attention to another writ, which was coeval with the first one, and which formed with it equally a part of the law of parliament, because this writ in its consequences afforded great latitude to sheriffs in summoning or omitting particular boroughs, and upon which they acted for several centuries; the writ referred to we

called the *Writ de Expensis*, or the writ of wages of knights, citizens, and burgesses. In referring to Mr. Prynne's voluminous collection of these writs, we learn from them, that they were coeval with the writ which created the House of Commons, that they were issued to the sheriff of every county at the close of each session, authorizing such sheriff to raise a sufficient sum of money from such county, and every city and borough within the same, to pay the "reasonable expenses" of their knights, citizens, and burgesses, "in coming to, attending upon, and returning from parliament:" and it further appears, that these writs, which were at first general, in giving to knights, citizens, and burgesses their *reasonable* expenses, were afterward made special, giving specific sums to members, according to the distance from whence they came and the time they attended; and that, thus altered, they remained in constant usage till the end of the reign of Henry the Eighth, being frequently enforced by statute up to that period; and the electors and elected being equally protected by different acts of parliament from any abuse by the sheriffs of the power thus given them.

It is not necessary to follow Mr. Prynne in his general eulogium upon the merit of this writ: in our own advanced state of political re-

finement, it would doubtless be thought too degrading for members of the House of Commons to take wages from their constituents, to say nothing of the wages of the crown being much more lucrative; but still it must be admitted, that the original compact by wages between the electors and elected was admirably calculated to identify both bodies in the same interest, and to protect the common property and liberty of all, against any aggression and usurpation of power. But we have only to do with this writ of wages as it affected the discretion of the sheriffs in summoning boroughs, or, in other words, as it affected the actual composition of the House of Commons. It appears, then, that in the early part of our parliamentary history, when electors were compellable by law to defray the expenses of their members whilst attending their duty in parliament, such boroughs as were poor and needy, and on that account unable to support this charge of wages, did petition the sheriffs, when summoned by them, that they might be excused from returning members, upon the express ground of their poverty, and the sheriffs did accordingly excuse them upon such grounds, and did frequently certify this fact of their poverty and inability upon the return of the writ of summons to the crown. In the county of Lancaster, for instance, we find, from Mr. Prynne's

collection, that during the reigns of Edward III, Richard II, and Henry IV, V, and VI, the sheriffs did one and all certify upon the return of the writ, that "there are no cities or boroughs within the said county, from which citizens or burgesses are accustomed or are able to come to parliament, on account of their poverty." It appears therefore, that the operation of this writ or law of wages was to control the first writ or general summons to every borough; to create, as it were, a qualification of property in boroughs; and that the result of the two writs together was, that substantial boroughs only composed our borough representation. In support of the truth of these important facts, Mr. Prynne's collection of writs and returns of writs are the only authorities to refer to, and they are quite conclusive; because it makes the peculiar value of these records, that they disclose to us, distinctly and in detail, the actual composition of our House of Commons, from its first formation for several centuries, showing us which of our present boroughs have been always summoned, and have always returned members to our parliament, and for how long a period a great portion of them were omitted, and in many instances why they were so. It is much beyond the compass of a letter to comprehend in it any classified arrangement of those invaluable documents; but

the materials are ready, they were granted by Charles the Second to Mr. Prynne, for the express use and benefit of the nation, and the people have an irresistible claim upon the House of Commons to have that object carried into execution, either by reprinting these works of Mr. Prynne, or by some abridged arrangement of them by a committee of their own. In the mean time, occasional extracts from these works, and their general results, are perfectly sufficient for the present occasion. It appears then, according to Mr. Prynne, that, "during the reign of Edward the First, there were only one hundred and seven cities and boroughs which actually selected, returned burgeses and citizens; that in Edward the Second's time, nineteen new boroughs returned; that under the long reign of Edward the Third, nineteen new boroughs returned; that during the reigns of Richard II, Henry IV, and Henry V, no new borough returned; that about the middle of King Henry the Sixth's forty-nine years long reign, there were precepts issued to, and returns made, of burgesses by four new boroughs; and that, in the reign of Edward the Fourth, one new borough only summoned:" and Mr. Prynne accompanies these facts with the following observation, that "there are not above two or three cases of election questioned or complained of, from the first House of Commons to the

twenty-second of Edward the Fourth, for aught that appears by the returns, or parliament rolls, and not so much as one double return or indenture, with which all the late bundles of writs are stored." From the twenty-second of Edward the Fourth, all the parliamentary writs and returns are lost for a considerable time, and we are no longer able to trace our borough representation by those unerring guides; but when we arrive at the reign of Henry the Eighth, this suspension of information is more than made up for, by the clear and instructive enactments of positive statutes. In the mean time it is most important always to keep in mind, that the law of wages was uniformly acted upon, from the origin of the House of Commons until this period in Edward the Fourth's reign; that all the boroughs, which were newly summoned within that time, were of sufficient substance to pay their members their expenses, and did actually pay them; and that those boroughs, which were so poor and needy as not to be able to pay the expenses of their members, remained still excluded by the operation of that law. In coming to the reign of King Henry the Eighth, it may be observed, that there is no part of our history more curious, or certainly more useful for the present occasion, than what took place during that period. The king upon the throne has been gene-

rally and justly considered as one of the most arbitrary of our princes, and yet he created a national representation for Wales, that was founded in the most just and liberal policy; nor was it the least valuable part of this new constitution, that by being professedly formed upon the English model, it may be said in truth to have been a re-publication of our own. The act of the 27th of Henry VIII, c. 26, is the one which gave to Wales its parliamentary representation; and after reciting in its preamble, "that the dominion, principality, and country of Wales, belonged to the king of meer droit and very right, as being head, king, lord, and ruler thereof," it enacts, "that for the present parliament, and all other parliaments, to be holden and kept for this realm, one knight shall be chosen and elected to the same parliament for every of the twelve shires, &c.; and for every borough, being a shire town within the said country of Wales, one burgess; and the election *to be in like manner and form as knights and burgesses of the parliament be elected and chosen in other shires of this realm;* and that the knights and burgesses shall have the same fees as other knights and burgesses of the parliament have; and the knights' fees to be collected and levied of the commons of the shires that they be elected in; and the burgesses' fees to be levied and gathered on such of the boroughs

and shire towns as they be burgesses of, as well as of *all other antient boroughs within the same shires.*"

Now mark, my Lord, with what justice this Welsh representation was concluded. A knight for each shire, and a burgess for one borough in it, were considered an adequate representation for the extent and condition of that country; but all the boroughs in each county were to contribute to the expenses of the member who represented the shire town, and it was therefore subsequently enacted, that they should likewise have a voice in his election. The act which accomplished this was the 35th of Henry VIII, c. 11. It contains more detailed provisions for the payment of wages to knights and burgesses in Wales than any found in the last act; and then it proceeds—" And be it further enacted by the authority aforesaid, *for as much as the inhabitants of all cities and boroughs, in every the said twelve shires within Wales, not finding burgesses for parliament themselves, must bear and pay the burgesses' wages within the shire towns in every the said twelve shires of Wales; that, from the beginning of the said parliament, the burgesses of all and every the said boroughs, cities, and towns, which shall be contributory to the payment of the burgesses' wages of the said shire towns, shall be carefully admonished by pro-*

clamation or otherwise, by the mayor, bailiffs, or other head officers of the said towns, or by one of them, to come and give their election for the electing of the said burgesses, at such time and place, lawful and reasonable, as shall be assigned by the said mayors, &c.; in which elections the burgesses shall have like voice and authority to elect, name, and choose the burgesses of every the said shire towns, like and in such manner as the burgesses of the said shire towns have and use." Such, my Lord, was the representative constitution, given by act of parliament three hundred years ago, in the reign of an arbitrary prince, and to a conquered country; and yet in our own times, and in our own country, we have towns, that in wealth, population, and intelligence, constitute the principal resources of the state, and contribute the most to its revenue, and they are not permitted to aspire to the same share in its legislation, that was given by law, three hundred years ago, to one of these Welsh contributory boroughs. With these different landmarks of our constitution, the original writs of Edward the First, and the representation of Wales created by statute, all defining so distinctly the principles upon which our House of Commons was constructed, one should have thought that institution was sufficiently secured against any invasion; and yet it was in the very

next reign that its destruction began; and this Welch representation, which was formed upon its model, not only survived it, but remains as created to the present day.

In entering upon the reign of Edward the Sixth, we know, as matter of history, that this king, when he ascended the throne, was a child of nine years old, and that when he died he was only sixteen; and we further know, that this seven years' reign, if such it can be called, was a struggle merely between his two maternal uncles, the Duke of Somerset, Protector, and Admiral Seymour, for sovereign power and for each other's life; but whether this condition of the state led to that revolution in the House of Commons, which took place in this reign, it is quite unnecessary to inquire, we have only to do with those known events of the time which establish that fact.

We know, then, that the law of wages, so invariably acted upon to this time, and so recently re-enacted by the father to the prince upon the throne, was abandoned in practice during this reign, and has never been complied with since; and we know, that from the same period poor and needy boroughs, which had never been heard of before, returned members for the first time to the House of Commons, and that they continued to do so in such rapid and numerous succession,

as in a very few reigns to supply a very great portion of our national representation. In the reign of Edward the Sixth, twenty-two boroughs were summoned to send members, twenty of which had never returned before, and the other two had been excused by the sheriff from sending members the two preceding centuries, upon the express ground of their poverty. In the succeeding reign of Queen Mary, fourteen new boroughs were summoned; in that of Queen Elizabeth, thirty-two more; and in the following one of James the First, fourteen, making an aggregate of eighty-four boroughs summoned in these four reigns. In looking at the composition of these new boroughs (vide Appendix), we see, that for the most part they were what are known by the name of our *rotten* boroughs; and they are the same that Mr. Prynne, in writing one hundred and sixty years ago, states himself to have "detected," by his discoveries in the Tower, as "*late* poor, upstart, unnecessary, superfluous boroughs, erected without charter or prescription;" and so no doubt they were; and yet they formed, as it were, a perfectly new House of Commons, and not only new in fact, but new in principle; for the first House of Commons represented the whole substantial population and property of the state, whilst the second was formed almost exclusively upon its

poverty. In directing our attention more minutely to the ingredients of this new House of Commons, it is quite impossible to mistake its general design. The county of Cornwall may be said to have been the corner-stone of our new constitution; and the history of its representation in the new House of Commons may serve as an illustration of the whole. We find from the writs in Mr. Prynne's collection, that from the original formation of the House of Commons, down to the year in Edward the Fourth's reign when the writs are lost, the sheriff of Cornwall did always summon and return members for the boroughs of Bodmin, Helleston, Launceston, Liskard, Lostwithiel, and Truro, in that county; and that in the same returns the sheriffs did one and all uniformly certify, "*there are no more boroughs in my bailiwick.*" And yet in that first division of twenty-two new boroughs, which made their appearance in the reign of Edward the Sixth, there were *seven more* boroughs found in the county of Cornwall alone; nor was that all, for these Cornish boroughs were so peculiarly adapted to the new constitution, that in the two next reigns there were found seven more. Mr. Prynne observes, in commenting upon this fact, "It is evident that these fourteen new boroughs lately set up in one county by the practices of sheriffs.

the ambition of private gentlemen seeking to be made burgesses for them, and consent of the poor burgesses of them being courted, feasted, bribed by them for their voices without charter from the king, or title by ancient custom or prescription time out of mind, are subverted by the regular ancient returns of the sheriffs of Cornwall, under Edward I, II, III, Richard II, Henry IV, V, and the later return of 28 Henry VI, 'there are no others within my bailiwick,' nor are there any more boroughs than Bodmin, Launceston, Helleston, Liskard, Lostwithiel, and Truro." The law and the facts thus stated by Mr. Prynne are alike irresistible. The title of these fourteen new Cornish boroughs to supply so large a portion of our national representation is utterly "*subverted*" and destroyed by that uniform return of the sheriffs of Cornwall for several centuries, which disproved their existence, we have seen by what violation or evasion of the law of wages they first made their appearance in the House of Commons, and our own acquaintance with these boroughs abundantly proves to us the justice of Mr. Prynne's conclusion as to the object for which they were summoned, that it was to create a new species of parliamentary representation by private nomination, through the means of corruption. It is unnecessary to select any

other new and needy boroughs of the same description as those last mentioned in the county of Cornwall; they are all enumerated, and their particular cases gone into, by Mr. Prynne, "making" (as he observes) "in all sixty-four, all new, and for the most part very mean, poor, inconsiderable boroughs, set up by the late return of sheriffs, or ambitious gentlemen desiring to serve them, and courting, feasting, bribing them for their voices, not by prescription or charter (some few excepted) since the reign of Edward the Fourth, before whose reign they never elected or returned burgesses to any English parliament, as now they do, one hundred and twenty-eight to all." Such, my Lord, is Mr. Prynne's history of those poor and needy boroughs, which first made their appearance in the House of Commons in the reign of Edward the Sixth, and which now supply so large a portion of our national representation, and whose "*free and independent electors*," in our own days, claim to be entitled to it by ancient, immemorial, indefeasible right, and who resist the admission of a great majority of the nation, in wealth and intelligence, to any share in the elective franchise, as an innovation utterly inconsistent with the safety of the state. I trust, my Lord, that the limited matter I have already cited from Mr. Prynne is of sufficient importance to show the value of the whole

There is nomore eventful period in our history than that in which our present obscure boroughs usurped so great a portion of the representation. There is no subject in which the people of England have a deeper interest, nor is there any one less generally understood; and the only sources of instruction are these collections of Mr. Prynne's. In tracing the progress of the House of Commons *after* the admission into it of the new and needy boroughs, it is curious to observe how it continued to advance in consistent violation of all former law: it will be seen by the original writ, which created the House of Commons, that members, to be chosen by cities or boroughs, must be citizens or burgesses of the same, *i. e.* resident therein; and this condition of residence was afterwards enforced or re-enacted by the statute of the first of Henry the Fifth, c. 1, and three other statutes of Henry the Sixth. Now this law presented a great inconvenience in the new order of things, for the sole object in admitting the new and needy boroughs into the House of Commons was to give to their patrons the absolute and unconditional nomination of these members; it was therefore thought necessary, in the reign of Queen Elizabeth, to introduce into the House of Commons a bill for the repeal of the condition of residence, the pretence set up for the bill being, that small and

decayed towns might have a greater latitude in the choice of their members than what their own mean population supplied; but we collect, from the speeches of those who opposed the bill, that its real object was sufficiently known, and the consequences of such repeal as justly predicted. Upon the second reading of the bill being moved, the first member who opposed it was Mr. Warnecomb, of Hereford, "who, standing up, said it behoved those which were burgesses to see to that bill; for, quoth he, this may touch and overreach their whole liberties, as not having whereon to stay, *but that Lords' Letters shall henceforth bear all the sway.*" But the most successful exposure of the measure was by a member whose name is not given, and of whose speech I take the following extract from the parliamentary history:—

"One standing up, whose name is not expressed, said thus:—To open my meaning shortly, the question is, what sort of men are to come to this court and public consultation of parliament, whether from every quarter, county, and town, there should come (as I might say) home-dwellers, or otherwise *men chosen by directions it forceth not whom?* I am surely of mind, that neither for the good service of her majesty, safety of our country, or standing with the liberty which of right we may challenge (being

born subjects within the realm) this scope is to be given, or such looseness in choice to be permitted: mischiefs and inconveniences there may grow by this liberty; but a mischief it may be to me, and inconvenient also, to utter the same, I will not speak thereupon but dutifully, neither do I see any thing that is amiss at present; what was done an hundred years ago I may safely tell, and thus it was—a duke of this realm wrote his letters to a city, which I know, to this effect; whereby he did signify, that a parliament was to be summoned in short time, and that, for great cause, he was to crave aid of all his friends, and reckoning them amongst the rest, he wished them, of four under-nominated, to choose two. The letter under the duke's seal is still preserved: but hear you the answer; he was written to with due humbleness, that they were prohibited by law, they might choose none of them. I will venture a little nearer: in Queen Mary's reign a council of this realm (not the Queen's privy council) did write to a town to choose a bishop's brother (and a great bishop's brother he was, indeed), whom they assumed to be a good catholic man, and willed them to choose to the like of him some other fit man; but the council was answered with *law*, and if all towns in England had done the like in their choice, the crown had not been so

wronged, and the realm so robbed with such ease, and truth banished as it was in that parliament. What hath been, may be; there is no impossibility. It will be said, I mistake; it is not meant but that towns shall be at liberty to choose whom they list; I say *that* liberty is the loss of liberty, for when by law they may do what they will, they may not wish to deny what shall be enjoined of them. Surely law is the only fortress of the inferior sort of people, and contrary to law the greater sort will not expect any thing. We stand, and have stood of late, upon the notorious manifestation of the authority of parliament: except withal you preserve the ancient usage of the same, and withal endeavour the freedom thereof, in effect you do nothing, if I guess aright." It is very instructive to be thus supplied, by an eye-witness to the scene, with a history of the early struggles that were made to return members to the House of Commons by private nomination; and to see, at the same time, those legal impediments which interfered with that design: the effect, if not the object of this bill, was to remove all such impediments, to deliver up poor and needy boroughs at once to private patronage and nomination of their members, and to open the House of Commons, without further restraint, to "*men chosen by directions, it forceth not whom.*" It is a cu-

rious fact, however, that although this bill passed the second reading, it was never heard of more; but the House of Commons were now beginning to assume and to exercise that exclusive jurisdiction over all matters affecting themselves or their privileges, that placed them presently above all law; so we find, accordingly, that although the condition of residence in cities and boroughs, by those who represented them, was imposed by the original writ which created the House of Commons, and was afterwards enforced by the act of the first of Henry V and those of Henry VI; and although it was thought expedient to attempt the repeal of that condition by act of parliament, in the reign of Queen Elizabeth, and such attempt had failed, the House of Commons, nevertheless, did by its committees of privileges resolve, in substance, either that this obligation of residence was not law, or, being such, they were not bound by it, and they dispensed with it in favour of each other for ever after; although the law enforcing residence was never actually repealed by statute till the fourteenth year of the reign of his late majesty, c. 53. In further illustration of that dominion over all law, which was assumed by the House of Commons under the new system, in the succeeding reign of King James the First they relieved the crown and its sheriffs at once from the old-fashioned, legal, circuitous process, of selecting

and summoning boroughs to supply the House of Commons with members, and they did, upon the mere motion of one another, admit such boroughs to return members as to them seemed meet, or as best suited the purposes of those who moved to have them admitted. There are several such cases to be found in Mr. Prynne's Collection, together with his opinion upon such illegal proceedings; and the same cases are all recorded in the Journals of the House of Commons of that reign. In observing, my Lord, the degree of perfection at which the new order of things had now arrived, and in seeing how distinctly the election of the House of Commons was passing from the inhabitants of the nation at large, to (comparatively speaking) a few individuals, it is very striking to advert to the first experiment which was tried, in our history, to return a House of Commons by private nomination, and though it was made by the king on the throne, to see how it failed. The period may be said to have been somewhat similar to that of Edward the Sixth; it was the stormy reign of Richard the Second; and I state the event I refer to, as I find it related in the parliamentary history:—"In 1387 the king and queen made a progress into the west and northern parts of England: in his return from the latter, he held a council at Nottingham. The chief persons of

which the council consisted, were Alexander, archbishop of York, Robert de Vere, lately created Duke of Ireland, Richard de la Pole, Earl of Suffolk, Robert Tresilian, chief justice of the king's bench, and Nicholas Brembre, of London, knights, who were the king's greatest favourites and advisers, and in whom he put his whole trust and confidence. This council of state summoned all the sheriffs of the adjoining counties to Nottingham, and when attending on the summons, commanded them to suffer none to be returned as knights and burgesses for the next parliament, but such as the king and his council should nominate; to which they replied, that the people would be very hardly deprived of their ancient privilege of choosing their own members of parliament; and that if there was a true freedom observed in choosing, it would be almost impossible to impose any person against the people's liking, especially since they would easily guess at the design, and stand the more resolutely upon their right. This answer of the sheriffs somewhat startled the council, because they built much upon this *invention*; for what was done by a parliament would, as they imagined, carry a face of justice along with it, and their private revenge be turned into a public punishment. But losing this point, they dismissed the sheriffs, and fell upon the last, but

most desperate stratagem, which was, to ruin them by law." It is impossible to meet with a more valuable and instructive historical event than the one just cited, because it places before us distinctly the early practice of our constitution, as well as its value. We see, in this description of the sheriffs, the electors of England in those days acting in whole communities, as inhabitants of counties or substantial towns, and standing upon their known and ancient right to freedom of choice in their elections; and we find, moreover, that as long as they did so, and were protected by law, neither force nor corruption could compel them to submit to the nomination of their members, not even by the crown: nor should it be omitted, as the least memorable part of this transaction, that when Chief Justice Tresilian came afterwards to the gallows, which he did, this advice which he gave to the king, at Nottingham, to command the sheriffs to interfere with the people in their elections, was charged as one of those offences for which he lost his life. The failure of this experiment most probably suggested to the authors and promoters of our new order of things, that men must be reduced into small and compact bodies (and the poorer their condition of course the better), before they can be bought and sold like any other article of traffic; and such, no doubt,

was the principle upon which our new and needy borough representation was constructed. The "*invention*," as it is happily termed, was the same in both these cases, it was to procure a House of Commons, which should pass for being elected by the people, but which, in truth, should be returned by private nomination, the only difference was in the means taken to carry these plans into execution; the first was attempted by force, and it failed; the latter by fraud, and it succeeded.

One should have thought, my Lord, that the House of Commons had received a sufficient degree of adulteration after the admission into it of the new and needy boroughs, to answer every purpose of corruption and private nomination; but the constitution was destined to undergo another revolution, not less important or less injurious in its consequences than the first; the electors of England were still considered as too numerous for the new order of things, and it was necessary again to reduce them to a more convenient or marketable form. The first revolution was the summoning of the new and needy boroughs, in violation of law; the second one affected the elective franchise, as exercised generally in all our cities and boroughs. In looking for instruction, as to what the elective franchise originally was in our cities and boroughs, we

naturally turn again to the original writ which created the House of Commons; and here the occasion upon which it was issued, and the appeal that is made in it by name to all the inhabitants of the kingdom, are abundant proofs that the inhabitants at large of cities and boroughs were meant to be the electors of their members. But in addition to this obvious conclusion, the directions given by the writ to the sheriffs upon the subject are as distinct and definite to that effect as language can supply: they are commanded "to cause to be elected of every county two knights, and of every city two citizens, and of every borough two burgesses; and the said knights are to have sufficient power, for themselves and the *communities* of the counties aforesaid, and the said citizens and burgeses are to have the *same* power, for themselves and the *communities* of cities and boroughs, then to do, &c. &c."

It is quite demonstrable from these instructions to the sheriffs, that members for cities and boroughs were to be elected by the same rule as members for counties, that is, by the community in each, and it is impossible for invention to find any other meaning for the community of a place, than that of its inhabitants. If, however, any doubt could be entertained upon the latter point, it is in truth afterwards removed by statute; for in the reign of Henry the Sixth it was

thought expedient to alter the original writ, as far as it related to counties, and to restrain and limit the right of voting in them, to such parts of the community only as should have a freehold estate in land therein, of the clear yearly value of forty shillings or upwards, and the preamble of this act of the 8th of Henry VI, c. 7, sufficiently explains the meaning of the term community, in stating "that in several counties, elections had become very tumultuous, from the great collections of people, by which means manslaughter and homicides had occurred, and that people of low condition and no value claim to have a voice in such election, equivalent to that of the wealthiest squires or knights therein." We collect then, from this act, my Lord, that the original writ, which created the elective franchise, can only be altered by statute; we see in it, that communities of counties are recognized as consisting of all the inhabitants; we know that the elective franchise in cities and boroughs has never been altered by statute, and the conclusion is irresistible, that the elective franchise in cities and boroughs remains in the inhabitants at large, by law, at this day. In further support of this conclusion, we have another and a later act of parliament to refer to, the one before cited from the reign of Henry the Eighth, and which created the parliamentary representation for Wales, be-

cause that law was professedly made upon the model of our own election law, and it gives the elective franchise in boroughs to all the *inhabitants* of the same by name. It was not until the modern period in our history of the reign of James the First, that any doubt appears to have been entertained respecting the elective franchise so strictly defined, and then it was that mayors and bailiffs and corporations of cities and boroughs began to claim a monopoly of the elective franchise in their respective towns, to the entire exclusion of all the rest of the inhabitants, and the House of Commons assumed to itself at the same time an exclusive jurisdiction in pronouncing the law upon all such cases. Here again, however, the original law appears to have been considered so clear and irresistible, that the House of Commons itself, in the first five cases, which were brought before it by petition, did by its committees of privileges decide, "*that the commonalty in general ought to have voices in the election of the burgesses for parliament.*" The admission of Dr. Brady, upon this part of the subject, is much too important to be omitted, because it was the object of that writer, in his history of boroughs, to pervert and vilify every thing like a claim to popular election in our boroughs; and yet, having extracted from the journals of the House of Commons those five first decisions, to

which I have alluded, he observes, "by these five instances it appears how perplext and conjectural the opinions of the committee and the resolves of the House of Commons were concerning the right of electing of burgesses to serve in parliament, and the persons in whom it was lodged: *they judged the communities or commonalties of cities and boroughs to be only the ordinary and lower sort of citizens, burgesses, or freemen in general, and that the right of electing of burgesses in all boroughs, did of common right belong to the commonalty, meaning the ordinary sort of burgesses or freemen, and not to the mayor, aldermen, and common council, as in the cases of Boston, Colchester, and Warwick, nor to the bailiffs and capital burgesses, being a select number, as in the case of Bridport.*" If any thing could add to the value of this admission of Dr. Brady, it is the kind of apology he makes for these decisions; for he proceeds by observing, that "the ground of this *popular error* was, that this committee (notwithstanding the two great antiquarians, Sir Robert Cotton and Mr. Selden, and the oracle of the law so called, Sir Edward Coke, were members of it) did not truly understand the meaning of the words *communitates civitatum et burgorum*, the commonalty of cities and boroughs, which signified always the mayor, aldermen, and common coun-

cil, *where they were to be found,* or the steward, or bailiff, or in short the governing part of cities and boroughs." It is perfectly unnecessary to make any observation upon the *law* which Dr. Brady thinks proper to lay down in this place for himself, but his facts are quite invaluable, *viz.* — that Sir Robert Cotton, Mr. Selden, and Sir Edward Coke, were of the other opinion, because they were the highest and greatest authorities in the nation, they were the most learned in its history, its constitution, and its laws; and it ought to be for ever recorded, as one of the most striking and instructive events of our history, that when this usurpation of the elective franchise was first attempted by the few over the many, these great authorities were united in deciding for the rights by law of the people at large. In following, however, the House of Commons in the exercise of its jurisdiction over this new matter, it will be found, that subsequent committees made ample amends for that "*popular delusion,*" which is supposed to have blinded Sir Robert Cotton, Mr. Selden, and Sir Edward Coke, in their decisions; for they decided, not only that the word community means a part only of such community, but that it meant sometimes one part, and sometimes another; that in some cases it meant a mayor and corporation, or bailiffs and principal burgesses,

being select bodies and "the governing part of the town" (according to Dr. Brady), to the exclusion of all the rest of the inhabitants; and that in other cases it meant the lower condition of the inhabitants only, or such as had served apprenticeships to particular trades, to the exclusion of all those, who from their superior condition had never belonged to such trades, or had never served any apprenticeships at all. Nor was this all, for these committees decided, that in some cases the word community means certain old houses in a borough, which they called "ancient messuages or burgages," and sometimes particular pieces of land, without either houses or inhabitants at all, which they called "burgage tenures:" and by such decisions the House of Commons, of its own authority, created a perfectly new code of election laws for our cities and boroughs. In comparing the old and the new election law with each other, it is no mean panegyric upon the perspicuous and uniform simplicity of the former, to find, that during the many centuries in which it was in practice, there was neither petition nor complaint concerning it; and we collect, from the silence of the laws during the same period, that the electors and elected were alike free from all offence; whereas the unintelligible, contradictory jargon of the new digest has been accompanied, during its formation, by two

centuries of uninterrupted litigation; and every law that has hitherto been made to suppress the crimes of these new electors and their members has been found ineffectual: nor even is this all, for after the House of Commons had been occupied a hundred and sixty years in constructing this pile of new election law, they disclosed to the world its true and rotten foundation; they admitted, in substance, by the act of the 10th of his late majesty, or Mr. Grenville's act so called, that their decisions upon this subject had been dictated solely by party motives or individual interest, and they renounced their functions for evermore, as judges in such cases, unless previously bound by the obligation of an oath.

Such, my Lord, is a brief, and I trust faithful history of that revolution which has been effected in the elective franchise in our cities and boroughs: in principle it is precisely the same with that revolution which took place in our boroughs; the one was usurpation of the national representation by the new and needy boroughs, in violation of law, and to the exclusion of the substantial and efficient population of the state, the other was the usurpation of the elective franchise in our cities and boroughs, by the few over the many; in many cases by the poor over the rich, and in all an equal violation of law. The ob-

ject of these two usurpations was likewise the same; it was to reduce the number, and degrade the condition of the electors of England, so as to make them more accessible to private influence and corruption, and by such means to procure a House of Commons returned by private nomination, instead of being elected, as formerly, by the voice of the nation. There is, however, one distinction, my Lord, between these two usurpations, which can never be sufficiently pressed upon the attention of the people; against that by the boroughs, there is no means of obtaining redress but through parliament; by laying before it again and again the law and the fact of the case, in the hope that public opinion upon this subject may at length become so irresistible as to induce parliament to take into its consideration the most effectual means of returning to that national representation which was so distinctly created by King Edward the First: but against the usurpation of the elective franchise by the few over the many, the inhabitants of all cities and towns to which the king's writ comes, have at present the means of redress within their own hands; they are in actual possession of a perfectly legal and practicable, although a partial avenue to reform. I have already shown, by references to the writ or law

which created the House of Commons, that it gave the elective franchise, in cities and boroughs, to the communities or inhabitants of such cities and boroughs: we have seen that law recognised by the act of Henry the Sixth, and again by the act which created the Welsh representation; and finally we see it adopted as law by Sir Robert Cotton, Mr. Selden, and Sir Edward Coke: it has never yet been altered or repealed by statute, and it never can be altered or repealed by any other means. No resolution of the House of Commons can repeal the law of the land, still less can this law be affected by resolutions of that body so at variance with others, and which, in truth, have all been virtually revoked by that act, in which those who made them renounced their functions as unjust judges. The course, therefore, to be adopted by the inhabitants of all cities and boroughs to which the king's writ comes, is clear and obvious; they have to demand, in the first place, from the returning officer of each city and borough, a perusal of its charter, and if such returning officer shall refuse to produce any charter, or if, upon its being produced, there shall be found in it no mention of the elective franchise, nor any power given by it to any select body in such city or borough to elect its members, then

such inhabitants have a clear and irresistible right, under the old original writ or law which created the House of Commons, to vote for the members of such cities and boroughs, and they ought to demand to be admitted so to do. It is true, that in the event of any returning officer refusing to admit the inhabitants to vote, in the case I have just put, their only resource is an appeal to an election committee of the House of Commons, under Mr. Grenville's act; and this, no doubt, is a very defective tribunal for the trial of questions of such vital importance; but still it is a great improvement upon the former committees of privileges that decided upon such cases; it is a tribunal upon oath; it is an open court; and every case that comes before it is sure to be ably and honestly argued by counsel. The first and great object is to direct the attention of the people of England to this practical and only means which they themselves possess, to procure a reform in our House of Commons. The case is so strongly established, both in law and justice, that perseverance alone is wanted to ensure success. In stating this obvious course for the inhabitants of cities and boroughs, in the recovering of their rights, it is necessary to accompany it with some few exceptions. The elective franchise has, in some cases, been given

by act of parliament, as in the Welsh boroughs, for instance, and in the cases of the cities of Chester and Durham; and, in all such cases, the act which gave the franchise must regulate the voting. So again in the few cases where our kings, in modern times, have granted by charter a monopoly of the elective franchise to select bodies in our cities or boroughs, however unconstitutional, or (as Mr. Prynne insists) "illegal" such grants may have been, the charter alone must regulate the voting. But the great mass of our cities and boroughs have no such charters, and so it will much more plainly and satisfactorily appear, as soon as their inhabitants shall demand to see them.

I have now, my Lord, stated all that appears to me at present necessary, for the purpose of directing your Lordship's attention to the two great revolutions, which have taken place in our constitution, in the system of our boroughs, and in the elective franchise, as well as such matters of record that relate to and illustrate those events. I forbear from making any observations, in this place, upon the effect of that private parliamentary influence, or interest, which has arisen out of these great changes, because it is much too notorious to require any comment; it is sufficiently known to us all, that it commands

the highest honours from the crown, and controls every department of the state: my only object has been to show by what evasion or violation of law it has been constructed, and to prove, that in its progress the principles and practice of our first constitution have become entirely subverted and reversed.

I have the honour to be,

My Lord,

&c. &c.

APPENDIX.

NEW BOROUGHS

Summoned to send Members, in the reign of King Edward the Sixth.

Saltash.	Grampound.
Camelford.	Bossiney.
Westow.	St. Michael.
St. Alban's.	Newport.
Maidstone.	Thetford.
Preston.	Peterborough.
Lancaster.	Brackley.
Wigan.	Petersfield.
Liverpool.	Lichfield.
Boston.	Heydon.
Westminster.	Thirsk.

In the Reign of Queen Mary.

Abingdon.	Woodstock.
Ailesbury.	Banbury.

Penryn.	Droitwich.
St. Ives.	Knaresborough.
Castle Rising.	Ripon.
Higham Ferrars.	Boroughbridge.
Morpeth.	Aldborough (Yorkshire).

In the Reign of Queen Elizabeth.

East Loo.	Bishop's Castle.
Tregony.	Minehead.
Yarmouth.	Stockbridge.
Newport (in the Isle of Wight).	Newton.
	Christ Church.
Fowey.	Lymington.
St. Germain.	Whitchurch.
Kellington.	Andover.
Beralston.	Tamworth.
Corfe Castle.	Aldborough (Suffolk).
Cirencester.	Sudbury.
Maidstone.	Eye.
Queenborough.	Haslemere.
Newtown.	Richmond.
Clithero.	Beverley.
East Retford.	

In the Reign of King James the First.

Agmondesham.
Wendover.
Great Marlow.
Cambridge University.
Tiverton.
Harwich.
Tewkesbury.
Hertford.
Oxford University.
Ilchester.
St. Edmundsbury.
Eversham.
Bewdley.
Pontefract.

THE END.

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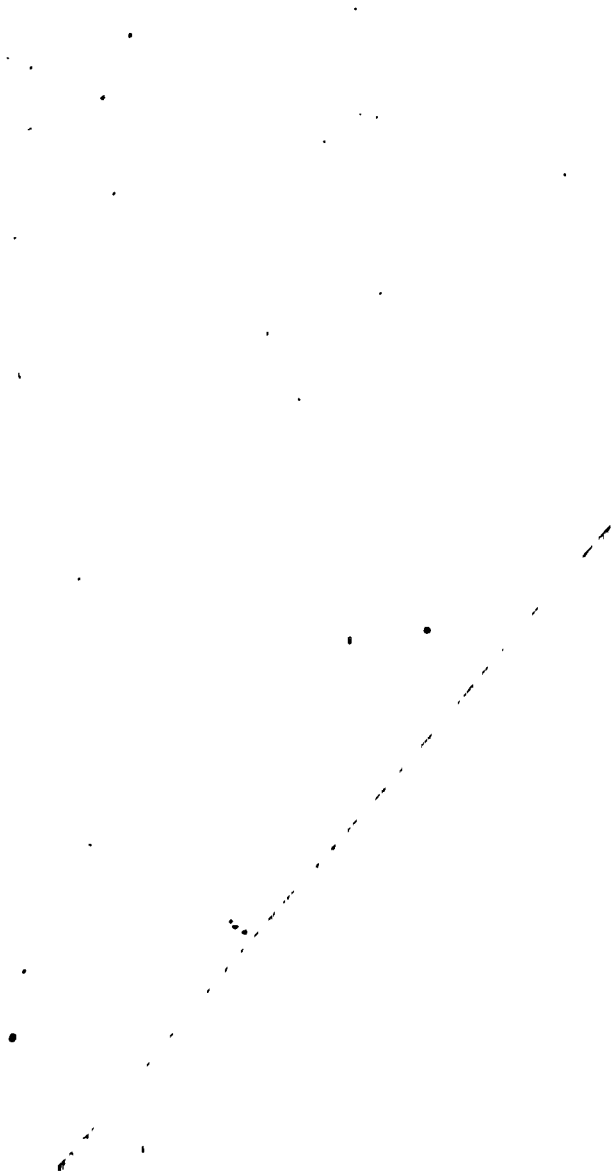

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